CPMG / KA / BG-GPO/13/2003-2005



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೩೯	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಜನವರಿ ೧, ೨೦೦೪ (ಪುಷ್ಯ ೧೧, ಶಕ ವರ್ಷ ೧೯೨೫)	ಸಂಚಿಕೆ ೧

ಭಾಗ - ೪

ರಾಜ್ಯದ ವಿಧೇಯಕಗಳ ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ರಾಜ್ಯದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರದ ಮತ್ತು ರಾಜ್ಯದ ಶಾಸನಗಳ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ರಾಜ್ಯಾಂಗದ ಮೇರೆಗೆ ರಾಜ್ಯಪಾಲರು ಮಾಡಿದ ನಿಯಮಗಳು, ಹಾಗೂ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮಾಡಿದ ನಿಯಮಗಳು.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 75 ಕೇನಿಪ್ರ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 6ನೇ ಡಿಸೆಂಬರ್ 2003

2003ನೇ ಸಾಲಿನ ಡಿಸೆಂಬರ್ 25 ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3 (ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ Ministry of Finance ನ ಈ ಕೆಳಕಂಡ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ 224/2003/F.No.187/10/2003 TA-1 ದಿನಾಂಕ 25.9.2003[(S.O.1104(E)] ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF FINANCE
(Department of Revenue)
(CENTRAL BOARD OF DIRECT TAXES)
NOTIFICATION
New Delhi, the 25th September, 2003
(INCOME TAX)

S.O.1104(E).- In exercise of the powers conferred by section 120 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments in the notifications of the Government of India, Ministry of Finance, (Department of Revenue), Central Board of Direct Taxes, number S.O. 733(E) dated the 31st July, 2001 and number S.O. 734(E) dated the 31st July, 2001.

(i) In the Schedule I to the niotification number S.O. 733(E) dated the 31st July, 2001, for serial numbers 1,12,24,32,39,44,49,51,55,57,69,73,76,78,81 and 85 and the entries relating thereto, the following serial numbers and entries shall respectively be substituted, namely-

SCHEDULE-I

Serial Number	Designation of the Income-tax Authorities	Head-quarters	Jurisdiction
1	2	3	4
XX	XXX	XX	XXX

Serial Number	Designation of the Income-tax Authorities	Head-quarters	Jurisdiction
1	2	3	4
44.	Chief Commissioner of Income Tax, Bangalore-I	Bangalore	(i) Commissioner of Income-tax, Bangalore-I (ii) Commissioner of Income-tax, Bangalore-II (iii) Commissioner of Income-tax, (CIB), Bangalore-I
X X	X X X	X X	X X X

(ii) In the Schedule I to the notification number S.O. 734(E) dated 31st July, 2001, for serial numbers 1 to 14 and the entries relating thereto, the following serial numbers and entries shall respectively be substituted, namely-

SCHEDULE-I

Serial Number	Designation of the Income-tax Authorities	Head-quarters	Jurisdiction
1	2	3	4
X X	X X X	X X	X X X
7.	Director General of Income Tax, (Investigation), Bangalore	Bangalore	(i) Commissioner of Income-tax, (Central), Bangalore (ii) Director of Income-tax (Investigation), Bangalore
X X	X X X	X X	X X X

(iii) The other contents of the notifications shall remain unchanged.

2. This notification shall take effect from the date of publication in the Official Gazette.

[Notification No.224/2003/F.No. 187/10/2003-ITA-I]

DEVI SHARAN SINGH, Under Secy.

Note:- (I) Notification No. S.O. 733(E) dated 31st July, 2001 was subsequently amended vide (1) S.O. 846(E) dated 30-8-2001; (2) S.O. 104(E) dated 24-01-2002; (3) S.O. 401(E) dated 10-4-2002; (4) S.O. 773(E) dated 19-7-2002; (5) S.O.1262(E) dated 03-12-2002 and (6) S.O. 220(E) dated 25-02-2003.

(II) Notification No. S.O.734(E) dated 31st July, 2001 was subsequently amended vide (1) S.O.888(E) dated 17th September, 2001; (2) S.O. 103(E) dated 24th January, 2002; (3) S.O. 1263(E) dated 3rd December, 2002.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ಎಲ್. ಸಿದ್ದಯ್ಯ

ಪಿ.ಆರ್. 100

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 77 ಕೇಶಾಪ್ರ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 6ನೇ ಡಿಸೆಂಬರ್ 2003

2003ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 20 ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3 (ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ S-38013/31/2003-SSI ದಿನಾಂಕ 8.12.2003 (S.O.2687) ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

New Delhi, the 8th September, 2003

S.O.2687.- In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st October, 2003 as the date on which the provisions of Chapter IV [except Sections 44 and 45 which have already been

brought into force) and Chapter V and VI (except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Karnataka namely:-

"Areas comprising the revenue villages of Ambalapady and Udayavara in the Hobli, Taluk and District Udupi."

[No.S-38013/31/2003-SS.I]
K.C. JAIN, Director

New Delhi, the 9th September, 2003

S.O. 2688.- In exercise of the powers conferred by Section 3, Sub-section (1) of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri N.K. Nagar, Section Officer of CSS cadre of Ministry of Labour, as Protector of Emigrants, Hyderabad with effect from 26th August, 2003 (F.N.)

[No.S-13011/1/2003-Emig-]
A. ASHOLI CHALAI, Under Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
ಎಲ್. ಸಿದ್ದಯ್ಯ
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 101

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 76 ಕೇನಿಪ್ರ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 8ನೇ ಡಿಸೆಂಬರ್ 2003

2003ನೇ ಸಾಲಿನ ಅಕ್ಟೋಬರ್ 6 ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3 (ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ Ministry of Consumer Affairs, Food and Public Distribution ನ ಈ ಕೆಳಕಂಡ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ F.No.1-26/2003-SDF ದಿನಾಂಕ 6.10.2003 (GSR 787(E)} The Sugar Development Fund (Third Amendment) Rules 2003 ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(Department of Food and Public Distribution)
NOTIFICATION
New Delhi, the 6th October, 2003

G.S.R. 787(E).- In exercise of the powers conferred by section 9 of the Sugar Development Fund Act, 1982 (4 of 1982), the Central Government hereby makes the following rules further to amend the Sugar Development Fund Rules, 1983, namely:-

1. (1) These rules may be called the Sugar Development Fund (Third Amendment) Rules, 2003.
   (2) They shall come into force on the date of the publication in the Official Gazette.
2. In the Sugar Development Fund Rules, 1983 (hereinafter referred to as the said rules), in rule 19, after sub-rule (14), the following sub-rule shall be inserted, namely:-

"(14A) Subject to the provisions of sub-rule (14), the Central Government may, in exceptional circumstances, authorize an advance payment of seventy five percent of the amount payable as subsidy towards storage, insurance and interest charges for a period as that Government may decide, calculated in the manner provided in sub-rule (15) to a sugar factory that has set apart the required quantity of sugar as buffer stock provided the sugar factory has furnished the following in writing to the Central Government, namely:-

(i) the rate of interest at which advance has been obtained by it on pledging the buffer stock of sugar with any scheduled bank or any State Co-operative Bank or Central Co-operative bank referred to in sub-rule (14);
(ii) the average actual realization per quintal of sugar on the sale of non-levy sugar in the open market for a three month period ending on the date from which the buffer stock is required to be held; and
(iii) an undertaking in Form-VI-A;

Provided that in respect of the buffer stock being maintained for a year with effect from 18th December, 2002, the Central Government may authorize payment to a sugar factory that has set apart the required quantity of sugar as buffer stock and furnished an undertaking in Form VI-A. an advance payment of seventy five per cent of the amount payable as subsidy towards storage, insurance and interest charges for a year, calculated in the manner provided in sub-rule (15), on the basis of the information furnished in columns 7 and 8 of Form V in respect of the claim preferred by it for the period 18th December, 2002 to 31st March 2003:

Provided further that the amount so paid as advance shall be adjusted, against the amounts that may become due on the basis of claims preferred by the sugar factory in Form V referred to in sub-rule (16), at the end of the period for which the advance had been paid:

Provided also that where complete claims for the entire period for which the buffer stock is required to be maintained, are not preferred within a period of one month after such period, the entire amount of advance paid or an amount as decided by the Central Government shall be refunded by the sugar factory:

Provided also that if, during the period for which advance has been paid, a sugar factory has not-

(a) paid the cess on sugar under sub-section (1) of section 3 of the Sugar Cess Act, 1982 (3 of 1982);

(b) furnished the returns and information required under rule 4 of the Sugar Cess Rules, 1982;

(c) complied with the provisions of sub-rule (13); and

(d) furnished to the Central Government or to the Chief Director the monthly return of the quantity of non-levy sugar sold and the amount of sale proceeds,

then, the amount paid as advance shall be recovered forthwith".

3. In the said rules, in rule 20, in sub-rule (4), for the word and figures "Form VI", the word, figures and letter "Form VI-B" shall be substituted.

4. In the said rules, after Form-VI relating to clause (b) of sub-rule (13 A) of rule 19 and before Form VI relating to sub-rule (4) of rule 20, the following Form shall be inserted, namely:-

"FORM-VI-A

[See rule 19 (14A)]

Form for submitting information for advance payment of subsidy towards interest, storage and insurance charges for buffer stock of sugar for the period from___________to__________

1. Name and address of the sugar undertaking:
2. Reference number and date of communication(s) from the Central Government/Chief Director communicating-
   a) total quantity of sugar to be maintained as buffer stock:
   b) grade-wise and sugar year-wise quantity of sugar to be segregated and stored as buffer stock:
3. Quantity of sugar both in terms of grade-wise and sugar-year wise actually segregated and stored as buffer stock:
4. Rate of interest payable to the Bank for the advance availed for pledging the buffer stock with the Bank:
5. Average actual realization per quintal of sugar on the sale of non-levy sugar in the open market for a three month period ending on the date from which the buffer stock is required to be held:
6. Name of the place nearest to the place of the factory, where the branch of the State Bank of India dealing with the Demand Draft issued by the Reserve Bank of India is situated:
7. Name and address of the Bank from which the additional credit on the buffer stock, if any, has been received:

Place: Signature
Date: Name of the occupier
Name and designation of the authorised signatory
Name and address of the sugar
Undertaking:

DECLARATION

(1) I hereby solemnly affirm and declare that the information furnished above is correct and no information relevant for the purpose of this application has been concealed.

(2) I hereby undertake to comply with all the requirements of sub-rule (14A) of rule 19 of the Sugar Development Fund Rules, 1983 and if it is subsequently found that any provision has not been complied with, I undertake to refund to the Central Government such amount of subsidy received by me as may decided by that Government.

(3) I hereby also undertake to refund such amount as may be decided by the Central Government, under the first proviso to sub-rule (14A) of rule 19 of the aforesaid rules.

Place: Signature
Date: Name of the occupier
Designation
Name and address of the sugar
Undetaking:

5. In the said rules, in the existing Form VI, relating to sub-rule (4) of rule 20, for the heading and sub-heading "Form VI

[see sub-rule (4) of rule 20]",

the following heading and sub-heading shall be substituted, namely:-

"Form VI-B

[see rule 20 (4)]"

[F.No. 1-26/2003-SDF]

P. UMA SHANKAR, Jt. Secy

Note:- The principal rules were published in the Gazette of India vide No. GSR 752(E) dated 28.9.83 and subsequently amended vide GSR 817 (E) dated 20.12.84, GSR 838 (E) dated 14.11.85, GSR 551 (E) dated 6.5.88, GSR 235 (E) dated 24.4.91, GSR 441 (E) dated 28.4.92, GSR 435 (E) dated 6.5.94, GSR 27 (E) dated 12.1.96, GSR 656 (E) dated 21.11.1997, GSR 91 (E) dated 12.02.2001, GSR 886 (E) dated 6.12.2001, GSR 443 (E) dated 21.6.2002, GSR 584 (E) dated 19.8.2002, GSR 67 (E) dated 29.1.2003 and GSR 241 (E) dated 25.3.2003.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ಎಲ್. ಸಿದ್ದಯ್ಯ

ಪಿ.ಆರ್. 102 ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 79 ಕೇಶಾಪ್ರ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 5ನೇ ಡಿಸೆಂಬರ್ 2003

2003ನೇ ಸಾಲಿನ ಅಕ್ಟೋಬರ್ 7 ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3 (ii) ರಲ್ಲಿ The Ministry of Health and Family Welfare (Department of Indian systems of Medicines and Homeopathy) ಯಿಂದ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ (ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ F.No.R12013/35/2000-Ay.Desk ದಿನಾಂಕ 7.10.2003 (S.O.1181(E) ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Indian Systems of Medicine and Homoeopathy)

NOTIFICATION

New Delhi, the 7th October, 2003

S.O. 1181(E).- In exercise of the powers conferred by Sub-section (2) of Section 14 of the Indian Medicine Central Council Act, 1970 (48 of 1970), the Central Government, after consulting the Central Council of Indian Medicine, hereby makes the following further amendments in the Second Schedule to the said Act, namely:-

In the said Schedule,-

(i) In part 1 relating to AYURVEDA and SIDDHA, under the heading 'Karnataka', after serial number 79C and the entries relating thereto, the following serial number and entries shall be inserted, namely:-

(1)	(2)	(3)	(4)
"79D Rajiv Gandhi University of Health Sciences, Bangalore	Ayurvedacharya (Bachelor of Ayurvedic Medicine and Surgery)	B.A.M.S.	from 2002 onwards
	Ayurved Vachaspati	M.D. (Ayurved)	from 1999 onwards
	Ayurved Vachaspati	MS (Ay.)	from 1999 onwards"

(ii) In Part 2 relating to UNANI, under the heading 'Karnataka', after serial number 15A and the entries relating thereto, the following serial number and entries shall be inserted, namely:-

(1)	(2)	(3)	(4)
"15B Rajiv Gandhi University of Health Sciences, Bangalore	Kamil-e-tib-o-Jarahat (Bachelor of Unani Medicine and Surgery)	B.U.M.S.	from 2002 onwards"

[F.No.R.12013/35/2000-Ay.Desk]
TARADATT, Jt.Secy.

Note:- The Second Schedule to the IMCC Act, 1970 (48 of 1970) was published in the Gazette of India vide notification number S.O.2994 dated 10-8-71 and subsequently amended vide:-

1. S.O.4068 dated the 30th November, 1979
2. S.O.2635 dated the 18th September, 1980
3. S.O.2323 dated the 20th August, 1981
4. S.O.2314 dated the 22nd August, 1981
5. S.O.137 dated the 24th December, 1997
6. S.O.638 dated the 25th January, 1982
7. S.O.7661 dated the 2nd February, 1982
8. S.O.973 dated the 20th February, 1982
9. S.O.354(E) dated the 6th May, 1983
10. S.O.3550 dated the 5th September, 1983
11. S.O.804(E) dated the 11th November, 1983
12. S.O.462(E) dated the 23rd June, 1984
13. S.O.1911 dated the 17th April, 1985
14. S.O.2745 dated the 29th May, 1985
15. S.O.3404 dated the 5th July, 1985
16. S.O.4057 dated the 14th August, 1985
17. S.O.5603 dated the 2nd December, 1985
18. S.O.5671 dated the 5th December, 1985
19. Inserted by S.O.888 dated the 17th February, 1986
20. Inserted by S.O.1832 dated the 16th April, 1986
21. S.O.627 dated the 2nd February, 1987
22. S.O.760 dated the 25th February, 1987
23. S.O.1030 dated the 30th March, 1987
24. S.O.1946 dated the 9th July, 1987
25. S.O.3186 dated the 30th October, 1987
26. S.O.1697 dated the 15th April, 1988
27. S.O.1504 dated the 22nd April, 1988
28. S.O.1041 dated the 6th April, 1989
29. S.O.1910 dated the 21st July, 1989
30. S.O.2177 dated the 14th August, 1989
31. S.O.2594 dated the 21st September, 1989
32. S.O.969 dated the 29th November, 1989
33. S.O.2552 dated the 22nd August, 1990
34. S.O.3246 dated the 31st October, 1990
35. S.O.2669 dated the 29th August, 1991
36. S.O.630 dated the 17th January, 1992
37. S.O.1435 dated the 7th May, 1992
38. S.O.3110 dated the 11th October, 1994
39. S.O.3375 dated the 18th October, 1996
40. S.O.923(E) dated the 29th December, 1997
41. S.O.518 dated the 17th February, 1998
42. S.O.170(E) dated the 6th March, 1998
43. S.O.1792 dated the 25th June, 1998
44. S.O.1793 dated the 28th August, 1998
45. S.O.876(E) dated the 25th October, 1998
46. S.O.1020(E) dated the 1st December, 1998
47. S.O.214 dated the 9th January, 1999
48. S.O.116(E) dated the 17th February, 1999
49. S.O.177(E) dated the 17th February, 1999
50. S.O.303(E) dated the 6th May, 1999
51. S.O.403 dated the 31st May, 1999
52. S.O.378(E) dated the 13th April, 2000
53. S.O.820(E) dated the 12th September, 2000
54. S.O.1008(E) dated the 9th November, 2000
55. S.O.116(E) dated the 7th February, 2001
56. S.O.486(E) dated the 30th May, 2001
57. S.O.1017(E) dated the 8th October, 2001
58. S.O.1018(E) dated the 8th October, 2001
59. S.O.1019(E) dated the 9th October, 2001
60. S.O.1020(E) dated the 8th October, 2001
61. S.O.516(E) dated the 16th May, 2002
62. S.O.951(E) dated the 4th September, 2002

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ಎಲ್. ಸಿದ್ದಯ್ಯ

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 103

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 78 ಕೇನಿಪ್ರ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 8ನೇ ಡಿಸೆಂಬರ್ 2003

2003ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 12 ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3 (i) ರಲ್ಲಿ ಪ್ರಕಟವಾದ Ministry of Agriculture ಪ್ರಕಟಿಸಿರುವ "The Protection of Plant varieties and Farmers Rights Rules 2003" (ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ No.1-4/2003/SD-V ದಿನಾಂಕ 12.9.2003) (GSR 738(E) ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

NOTIFICATION

New Delhi, the 12th September, 2003

G.S.R. 738(E).- In exercise of the powers conferred by section 96 of the Protection of Plant Varieties and Farmers' Rights Act, 2001(53 of 2001) read with section 22 of the General Clauses Act, 1897 (10 of 1897), the Central Government hereby makes the following rules, namely:-

CHAPTER I

PRELIMINARY

1. Short title and commencement:-

(1) These rules may be called the Protection of Plant Varieties and Farmers' Rights Rules, 2003.

(2) They shall come into force on the date on which the Act shall come into force.

2. Definitions.- In these rules, unless the context otherwise requires,-

(a) "Act" means the Protection of Plant Varieties and Farmers' Rights Act, 2001(53 of 2001);

(b) "Authority" means the Protection of Plant Varieties and Farmers' Rights Authority established under sub-section (1) of section 3;

(c) "Chairperson" means the chairperson of the Authority appointed under clause (a) of sub-section (5) of section3;

(d) "fee' means the fee specified in the Second Schedule;

(e) "Form" means a Form specified in the First Schedule;

(f) "Gazette" means the Official Gazette of the Government of India;

(g) "journal" means the monthly Journal of the Authority;

(h) "non-official member" means a member of the Authority other than a member, ex-officio;

(i) "notice" means a notice issued by the Tribunal or the Registrar or the Authority under the Act;

(j) "Registrar" means a Registrar of Plant Varieties appointed under sub-section (4) of section 12 and includes the Registrar General of Plant Varieties appointed under sub-section (3) of that section;

(k) "Schedule" means a Schedule annexed to these rules;

(l) "section" means a section of the Act;

(m) "representation" means any written communication addressed to the Authority or the Registrar in any proceeding under the Act;

(n) all other words and expressions used, but not defined in these rules, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Details of particulars to be furnished while making an application or representation-

(1) Save in case of forms specified by the Authority under the Act, every person making an application or representation under the Act or these rules, shall furnish the particulars in the Forms specified in the First Schedule;

(2) If any application or representation has been filed without furnishing all the particulars as specified in the relevant Forms specified in the First Schedule, the Authority or the Registrar, as the case may be, shall give one month's notice to the applicant or the person, who has filed the application or the representation to file such particulars.

(3) In the event the applicant or the person, who has filed the application or the representation, defaults or fails to rectify the application or the representation, as the case

may be, in terms of the notice under sub rule (2) within one month as allowed, the said application or the representation shall be liable to be rejected without any further notice.

(4) Where no Form is specified for any purpose, the applicant may adopt as nearly as may be a Form speficied in the First Schedule with such modifications and variations as may be considered necessary.

4. Office of the Authority -

(1) The office of the Authority shall, for all proceedings under the Act, be the head office of the Authority at New Delhi or the branch office, as the case may be, within whose territorial limits-

(a) the applicant for registration of the plant variety or the farmers' right has his principal place of business or domicile; or

(b) the applicant for registration of the plant variety or the farmers' right, whose name is first mentioned in the application, resides or has his principal place of business or domicile, if the application is made jointly in the names of two or more persons; or

(c) the agent or licensee of the registered breeder has his principal place of business or domicile.

(2) Notwithstanding anything contained in sub-rule (1), until the branch offices are established, the appropriate office for all proceedings under the Act shall be the head office of the Authority at New Delhi.

5. Address for service of notices, etc.

(1) Every person including the applicant, concerned in any proceeding to which the Act or these rules apply, shall furnish to the Authority or the Registrar the complete address for service in India and that address shall be treated for all purposes connected with such proceedings or the rights granted, as the address of the person or persons in the proceedings.

(2) Unless such an address is given, the Authority or the Registrar shall be under no obligation either to proceed or deal with any proceeding or to send any notice that may be required to be given under the Act or these rules.

6. Procedure regarding application, representation and issue of notices -

(1) Every application or representation shall be made in writing, signed by the applicant or the person who has made the representation, and delivered to the Registrar or the Authority at its office.

(3) The names and addresses of the applicants and other persons shall be given in full, together with their nationality and such other particulars, as are necessary for their identification and for sending communications to them.

(4) (a) All applications, representations and documents filed or required to be filed under the Act or the rules shall be filed in triplicate:

Provided that in cases where the Registrar or the Authority requires more than three copies of such applications, representations, or documents, the applicant or the person, who has filed the application or the representation, shall be required to supply as many copies as is specified by the Authority or the Registrar.

(b) In case of failure to furnish the required number of copies within a period of three months, the Registrar or the Authority may reject the application or the representation or may treat the application or representation as withdrawn.

(4) Any application, representation or document required to be sent to or filed with the office of the Authority or the Registrar may be delivered either by hand or by registered letter with acknowledgement due or electronic mail, addressed to the Authority or to the Registrar at their office.

(5) If any application or a representation or document is delivered to the Authority or the Registrar by hand, an acknowledgement receipt shall be issued by the Authority or the Registrar's office with its seal.

(6) In case of delivery by registered post with acknowledgement due or by electronic mail, it shall be presumed to have been filed, or given at the time when the same has been received by the office concerned.

(7) Any written communication addressed to an applicant or the holder of any right under the Act, at his address in the Register of Plant Varieties maintained under the Act or at the address for service furnished under rule 5 in any proceedings under the Act or these rules, at the address appearing on the application or notice of opposition or reply or counter reply or any such representation, shall be presumed to be properly addressed:
Provided that in cases where the receipt of such a representation or application has been delayed beyond the normal period of delivery or transmission, such a delay may be condoned.

(8) All notices and written communications addressed to an applicant or to any holder of right, in any proceeding under the Act or these rules, and all documents forwarded to the applicant or the holder of any right or an opponent shall, except when they are sent by special messenger, be sent by registered post acknowledgement due or by electronic mail.

(9) (a) The acknowledgement receipt issued by the office concerned or the postal certificate receipt shall be the sufficient proof as to the delivery or sending of any document under the Act or these rules.

(b) In case of transmission by electronic mail, the electronic receipt with the recognised digital signature, by the applicant or the person, who has made the representation, shall be the proof of the receipt.

7. Application not to be admitted in certain cases -

No application or representation shall be made to the authority or registrar covering the subject-matter already included in an earlier application made by the same person, and such subsequent application shall not be admitted by the registrar or the authority, as the case may be.

8. Fees -

(1) The amount of fees payable in respect of the registration of plant varieties and grant of any right under the Act or any application or notice of opposition or reply or counter reply required to be filed under the Act and other matters shall be as per the rates specified in the **Second Schedule.**

(3) (a) The fees payable may either be paid in cash or may be sent by money order or postal order or bank draft or cheque payable to the Authority or the Registrar, as the case may be, at their respective offices, drawn on a scheduled bank at the place where the office is situated.

Explanation:- For the purposes of these rules, "scheduled bank" means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 (2 of 1934).

(b) Any cheque or draft (not including the fees in cash) on which the value specified therein cannot be collected in cash within the time allowed for the payment of the fees, shall be accepted at the discretion of the Registrar.

(c) The stamps shall not be received in the payment of any fees payable under these rules.

(d) Where a fee is payable in respect of the filing of a document or application or representation, the date on which the entire fee is paid shall be the date of filing of the document or the representation.

(3) Where any test is required to be conducted under any of these rules, the applicant or the concerned person shall be required to pay the requisite fee specified in the **Second Schedule.**

(4) Any application or representation or document shall be liable to be rejected on account of non-payment of fees and no test shall be conducted unless and until the parties interested deposit the required amount of fees as specified in the Second Schedule.

9. Size, etc., of documents -

All documents and copies of documents, except affidavits and drawings, sent to or left at the office of the Authority or otherwise furnished to the Registrar shall be written, typewritten, lithographed, or printed (either in the Hindi or in the English language unless otherwise directed or allowed by the Authority or the Registrar-General) in large and legible characters with deep indelible ink with lines widely spaced upon one side only of strong white paper of a size of approximately 33.00 centimetres by 20.50

centimetres (13 inches by 8 inches) or 29.7 centimeters by 21 centimetres (11 3/4 inches by 8 1/4 inches) with a margin of at least four centimetres (one and a half inches) on the left-hand part thereof.

10. Affidavits -

The affidavits required to be filed under these rules shall be dated and signed at the foot and shall contain a statement that the facts and matters stated therein are true to the best of the knowledge, information and belief of the person making the affidavit.

CHAPTER II

PLANT VARIETIES AND FARMERS' RIGHTS PROTECTION AUTHORITY

11. Manner of Selection and Appointment of the Chairperson

(1) The Chairperson shall be appointed by the Central Government on the basis of a panel of names recommended by a Selection Committee comprising of the following, namely:-

(a) Secretary, Department of Agriculture and Co-operation, Government of India - Chairman.

(b) Secretary, Department of Agriculture Research and Education, Government of India - Member.

(c) One Expert nominated by Ministry of Agriculture, Government of India - Member.

(2) The Department of Agriculture and Cooperation of the Central Government shall act as the nodal department for the selection and appointment of the Chairperson.

(3) The Chairperson shall be of the rank of the Secretary to the Government of India and the appointment as chairperson shall either be on deputation or on contract basis.

(4) If the Selection Committee constituted under sub rule (1), recommends any person who is not a Government servant but fulfills qualifications given in clause (a) of sub-section (5) of section 3, such appointment may be made on contract basis.

12. Term of Office of the Chairperson -

The Chairperson shall hold office for a term of five years or up to the age of sixty-five years, whichever is earlier, and shall be eligible for re-appointment:

Provided that no Chairperson shall hold office for a total period exceeding ten years, or after he has attained the age of sixty-five years, whichever is earlier.

13. Salary, allowances, conditions of service, leave, pension, provident fund etc. of the Chairperson -

The Chairperson shall be entitled to such salary, allowances, leave, pension, provident fund and other perquisites as are admissible to a Secretary to the Government of India.

14. Resignation or removal of the Chairperson from office in certain cases -

(1) The Chairperson may resign from his office by giving notice in writing to the Central Government.

(2) The Central Government shall remove the Chairperson from office if he, -

(a) is or at any time has been, adjudicated as an insolvent;

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;

(c) has become physically or mentally incapable of acting as the Chairperson;

(d) has failed in discharging the duties and responsibilities under the Act and the rules made thereunder;

(e) has acquired such financial or other interest as is likely to affect prejudicially his function as the Chairperson;

(f) has, in the opinion of the Central Government, so abused his position as to render his continuation in office detrimental to the public interest;

(g) any other substantiated ground which is unbecoming of a public servant under the Government of India;

Provided that the chairperson shall not be removed under this sub-rule unless he has been given a reasonable opportunity of being heard in the matter.

15. Term and allowances of non-official members -

(1) Every non-official member of the Authority shall hold office for a period of three years from the date of his appointment.

(2) The Central Government shall appoint new non-official member of the Authority within six months of the expiration of the term of the non-official member.

(3) A non-official member shall be entitled to sitting allowance and travelling expenses, at such rate as may be fixed by the Central Government from time to time in this regard.

16. Proceedings of the Authority -

(1) The Authority shall meet atleast twice in a year at the head quarters of the Authority or at such place as may be decided by the Chairperson.

(2) The Chairperson shall, upon a written request of not less than five members of the Authority or upon a direction of the Central Government, call a special meeting of the Authority.

(3) At least fifteen days' notice of an ordinary meeting and three days' notice of a special meeting specifying the purpose, the time and the place at which such meeting is to be held, shall be given to the members.

(4) Every meeting shall be presided over by the Chairperson and in his absence, by a Presiding Officer to be chosen by the members present from amongst themselves.

(5) The decision of the Authority shall be taken by a majority of the votes of the members present and voting and in the event of equality of votes, the Chairperson or in his absence, the member presiding over the meeting shall have a second or casting vote.

(6) Every member shall have one vote.

(7) The quorum for the meeting of the Authority shall be five.

(8) No member shall be entitled to bring forward for the consideration of a meeting any matter of which he has not given ten days' notice to the Member-Secretary unless the Chairperson, in his discretion, permits him to do so.

(9) The notice of the meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Chairperson or the Member-Secretary may, in the circumstances of the case, think fit

17. Chairman and proceedings of the Standing Committee -

(1) The Chairperson shall select a member of the Standing Committee appointed by him under sub-section (7) of section 3 from amongst the members of that Committee to preside over its meeting.

(2) In the absence of the member selected under sub-rule (1), the meeting of the Standing Committee shall be presided over by the member who shall be elected by the members present at meeting from amongst themselves.

(3) The decision in the meeting of the Standing Committee shall be taken by a majority of the members present and voting and in the event of equality of votes, the member selected under sub-rule (1) or in his absence, the member presiding over the meeting shall have a second or casting vote.

(4) Every member shall have one vote.

(5) The quorum for the meeting of the Standing Committee shall be three.

(6) The convener of the Standing Committee may, in consultation with the Authority, determine the venue of its meetings any where in India; and serve notice of such meeting to all members at least fifteen days in advance.

18. Appiontment of Expert Committee by the Authority -

(1) The Authority may appoint such experts or consultants as it considers necessary to seek guidance and assistance in technical areas demanding specialized advisory inputs, to enable the Authority for efficient discharge of its duties and functions.

(2) The Authority may appoint such other committees as may be necessary for the efficient discharge of its duties and functions.

(3) The Authority may, in consultation with the Central Government, fix the quantum of remuneration, payable to the experts and consultants.

19. Salary, Allowances and Conditions of service of the Registrar-General -

(1) The Registrar-General shall be an official equivalent to the rank of the Additional Secretary to the Government of India and he shall be appointed by the Authority on deputation or transfer or on contract basis.

(2) The Registrar-General shall be governed by the Central Government rules in respect of his salary and other allowances including pension, leave, travelling and daily allowances as are admissible to an Additional Secretary to the Government of India.

(3) The Registrar-General shall be a person having proven managerial, or legal or Intellectual Property Rights or agricultural development experience.

(4) The term of office of the Registrar-General shall be a period of five years or until he attains the age of sixty years, whichever is earlier :

Provided that no candidate who may not have at least two years tenure in the office shall be appointed as Registrar-General.

(5) A person on completion of one term as Registrar-General shall be eligible for a second term of three years or until he attains the age of sixty years, whichever is earlier.

20. The method of appointment of officers and other employees of the Authority -

(1) The Authority may make recruitment and appointment to the posts of officers specified in the **Fourth Schedule.**

(2) The Authority shall after advertising the posts in the Employment News and atleast one national daily recruit officers and other employees of the Authority by the method of direct recruitment or contract basis by selection after conducting interview.

(3) Notwithstanding anything contained in sub-rule (1) and subject to the approval of the Central Government the Authority may also appoint such other officers and employees as may be required by it on transfer or deputation basis or on contract basis.

(4) The salary, allowances and other conditions of service of the officers and employees of the Authority shall be the same as applicable to Central Government servants of equivalent rank.

(5) If any question on the service conditions of any officer or employee of the Authority arises, it shall be decided by the Central Government.

21. Powers and Duties of the Chairperson -

(1) In addition to the duties specified in the Act, the Chairperson shall have powers of general superintendence and directions in the conduct and management of the affairs of the Authority, to enable the Authority in effectively discharging its duties and overseeing the compliance of the provisions of the Act, and the rules and regulations made thereunder.

(2) The Chairperson shall also discharge such other duties and functions as the Authority may by general or special order in writing delegate to him or the Central Government may authorise him to discharge from time to time.

(3) The Chairperson shall convene, preside over and conduct the meetings of the Authority and be responsible for carrying out all decisions taken by the Authority.

(5) The Chairperson shall guide and facilitate the development of new plant varieties by protecting the rights of the breeders, researchers, farmers, and community of farmers as provided under the Act.

(6) The Chairperson shall facilitate and act on his satisfaction for compulsory licensing of registered plant varieties and advise the Central and the State Governments on the restriction of public use of any such registered plant varieties which may invite action under sub-rule (4).

22. General functions of the Authority -

(1) The Authority shall advice the Central Government in relation to the provisions contained in the sub-section (2) of section 29 for specifying and notifying the genera and species for the purposes of registration of new plant varieties other than extant varieties and farmers' varieties.

(2) The Authority shall register extant varieties under clause (a) of sub-section (2) of section 8 within such period as may be determined by it with suitable test criteria to conform distinctiveness, uniformity and stability **(hereinafter referred to as DUS)** of such varieties.

(3) The Authority shall develop DUS test and other test criteria and conduct such tests for characterization of each variety of crop species notified by the Central Government.

(4) The Authority shall compile and maintain a database on all varities of common knowledge including all registered extant and farmers varieties and such varieties being cultivated outside India for each crop species prior to grant for registration for new varieties belonging to such species.

(5) The Authority shall be entitled to call for and procure the details of any crop variety under use in the country for the purpose of bringing the same into its database.

(6) Any public or private institution, community or individual involved in the production and use of seed of such varieties shall be required to provide full information on its characteristics or and a true sample of seed of such variety.

(7) The Authority shall keep a record of the production and sale of seed of all registered varieties.

(8) It shall be necessary for all breeders of registered varieties to supply certified figures on annual seed production and sales to the Authority within a period not exceeding three months from the completion of such reporting period.

(9) The Authority, if required shall also be entitled to call for such figures specifically relating to any region of the country.

23. Matters to be included in the National Register of Plant Varieties -

The National Register of Plant Varieties shall contain the following particulars of each registered variety, namely:-

(1) Registration Number;
(2) Nationality of Breeder(s);
(3) Denomination as granted;
(4) Date of Grant of Registration;
(5) Date on which application was received;
(6) Provisional number given to the aplication;
(7) Date of Gazette notification;
(8) Grouping of the plant variety (new, extant or farmers);
(9) Classification of the variety (typical variety, hybrid variety or essentially derived variety);
(10) Denomination of variety, Common Crop name to which the variety belongs, Taxonomical Lineage of the Crop in Botanical names;
(11) Key Passport data of the variety;
(12) Essential characters making the variety distinct;
(13) Starting date of protection;
(14) Expiry date of protection;
(15) Date of revocation with other details (grounds etc.);
(16) Name and address of the applicant(s);
(17) Address for service of document(s);
(18) Name and address of the breeder(s) (in case breeder is not the applicant);
(19) Name and address of the legal representative (if applicable);
(20) Name, address and other details of the licensee and terms of license (if applicable);
(21) Name, address and other details of the agent with jurisdictional rights, if any (if appointed);
(22) Type of crop;
(23) Name of the family, genus, species, variety and common name;
(24) Name and address of the breeder of initial variety (in case of essentially derived variety);
(25) Details of the acquisition of propagating material/ seeds (if applicable);
(26) Details of parental material used in the development (if applicable);
(27) Name and address of the contributor(s) of genetic material (if applicable);
(28) Any other feature specified by the Authority or Registrar-General;
(29) Country of origin of the plant variety;

(30) Brief description of the variety along with characteristic details of the nearest variety including results of DUS testing, supplemented with the drawings or photographs or both;
(31) In case of compulsory licensing, name and address of licensee with other details (terms and conditions, revocation, etc), if applicable;
(32) Declaration and details of the renunciation to the variety (if applicable);
(33) Details of benefit sharing;
(34) Details of opposition, revocation, restoration, maintenance (whatever applicable);
(35) In the case of varieties protected outside India prior to registration in the country, following additional information shall be entered in the National Register of plant varieties namely:-
  (a) Name of the country(ies) where protection is made along with the denomination of the variety in each of them,
  (b) Date of first protection with country,
  (c) Variation in important trait with respect to first filing,
  (d) Country wherein the Variety was first commercialized with date.
  (e) Any other feature specified by the Authority or Registrar-General;
(36) In case of a convention application, the following information shall also be furnished, namely:-
  (a) Name of the convention country
  (b) Passport data of the convention application
  (c) Date of application
  (d) Date of grant of registration
  (e) Registration number
  (f) Denomination as accepted
  (g) Date of Gazette notification
  (h) Starting date of protection
  (i) Expiry date of protection
  (j) Whether the variety has been sold or otherwise disposed of within and outside the country, if so, details thereof
(37) Any changes made in any entry.

CHAPTER III

REGISTRATION OF PLANT VARIETY

24. Registration of Extant Plant Varieties under sub-section (2) of section 15-

(1) The Registrar shall register every extant variety within three years from the date of its notification under the Act, with respect to the genera and species eligible for registration subject to conformity to the criteria of distinctiveness, uniformity, and stability as laid down under the regulations:

Provided that the Registrar may, for reasons to be recorded in writing register an extant variety after the expiry of the said period of three years.

25. Application to authorize a person to register a variety under clause (e) of sub-section (1) of section 16 -

An application to authorize a person to register a variety under clause (e) of sub-section (1) of section 16 shall be made in **Form PV-1,** given in the **First Schedule,** by a person specified in sub-section (1) of that section.

26. The fee payable under clause (g) of sub-section (1) of section 18 for making application for registration of plant variety -

The fee for making application for registration of a plant variety under section 14 shall be such as specified in column (3) of the **Second Schedule for the purpose.**

27. Proof of the right of making application, under sub-section (3) of section 18 -

(1) Where an application for registration is made by the successor or assignee of the breeder under sub-section (3) of section 18, he shall furnish documentary proof, at the time of

making such application or within six months of making such an application, as to the right to make such an application for registration.

(2) The documentary proof, in case of an assignment, shall be furnished in the manner specified in **Form PV - 2,** given in the **First Schedule** and in case of succession, or a succession certificate or any other document in support of succession proving the applicant to be the successor shall be furnished.

28. Fee for conducting tests under section 19 -

The applicant shall deposit the requisite fee for the purpose as specified in column (3) of the **Second Schedule,** with the Registrar for conducting the required tests under section 19.

29. Manner and method for conducting tests under section 19 -

(1) (a) The Authority shall charge separate fees for conducting DUS test and special test on each variety.

(b) The special tests shall be conducted only when DUS testing fails to establish the requirement of distinctiveness.

(c) The DUS testing shall be field and multi-location based for at least two crop seasons and special tests be laboratory based.

(d) The fee for DUS and special tests shall be such as provided in column (3) of the **Second Schedule for the purpose.**

(2) If the Registrar, after initial scrutiny of the application for registration, is satisfied that the application is in order, he shall notify the applicant to deposit the requisite fee, as specified in column (3) of the **Second Schedule,** within a period of two months for conducting the DUS test.

(3) On receipt of the fee, demanded under sub-rule (1), the Registrar shall consider the application for further processing.

(4) The DUS test shall be necessary for all new varieties except essentially derived variety.

(5) The manner of testing essentially derived varieties shall be decided by the authority on a case-to-case basis.

(6) The DUS test shall be conducted on a minimum of two locations.

(7) The Authority may recognize and empanel institutions having adequate facilities for conducting DUS or special tests in the country for conducting such tests.

(8) The Authority shall notify the adopted methods of conducting the DUS and special tests.

(9) The Authority shall develop and publish in its journal guidelines for the DUS test for each crop.

(10) The samples of seeds or propagules in respect of which an application for registration has been made and parental lines under registration submitted for the DUS and special tests and deposited at the National Gene Bank shall present the maintainable standards of genetic purity, and uniformity and germination, sanitary and phytosanitary standards.

30. Advertising of application for registration under section 21 -

(1) Every application for registration of a variety which has been accepted and the details thereof including specifications shall, upon such acceptance under sub-section (1) of section 20, be advertised by the Registrar in the manner specified in **Form-0-1** of the **Third Schedule.**

(2) In every such advertisement under sub-rule (1), the Registrar shall mention the place or places where a specimen of the variety may be inspected.

(3) The contents of such advertisement shall include -

(a) name, passport data and source of parental line or initial variety used to develop the variety in respect of which an application for registration has been made ;

(b) description of the variety bringing out its character profile as specified under the DUS test Schedule ;

(c) essential characteristics conferring distinctiveness to the variety ;

(d) important agronomic and commercial attributes of the variety ;

(e) photographs or drawings, if any, of the variety submitted by the applicant; and

(f) claim, if any, on the variety.

31. Notice of opposition under sub-section (2) of section 21 -

(1) Any interested person, may within three months from the date of advertisement of an application for registration, may give a notice of opposition to the registration of a plant variety in **Form PV-3** of the **First Schedule.**

(2) The fee payable for filing an opposition referred to in sub-rule (1) shall be as specified in column (3) of the **Second Schedule :**

Provided that no such fee shall be payable in respect of an opposition made by a farmer or group of farmers, or village community.

(3) A copy each of the notice of opposition received against a specific application shall be referred to the applicant by the Registrar within three months from the last date of filing of opposition.

(4) An applicant shall be entitled to submit point-wise counter statement to the opposition not later than two months from the date of service of the copy of the notice of opposition, failing which the Registrar shall decide the merits of the opposition and notify his decision by giving reasons therefor.

(5) Every counter-statement under sub-rule (4) shall be in **Form PV-4** of the **First Schedule.**

(6) The copies of counter to opposition submitted by the applicant within the time specified in sub-rule (4), shall be conveyed to the person opposing the application, within a period of thirty days of its receipt, requiring the opposing person to submit the final opposition within a period of thirty days from the date of service of the counter from the applicant.

(7) The Registrar, may at his discretion, allow any correction of error or amendments in the notice of opposition or counter statement if such alteration is requested by the persons concerned in writing.

(8) (a) The security referred to in sub-section (8) of section 21 shall be payable as an amount decided by the Authority.

(b) In case the opposition is found to be frivolous, the Registrar may direct payment of cost as determined by him to the applicant from out of the security amount received and the balance of the security amount shall be deposited in the Authority.

(c) In case the opposition succeeds, the security amount shall be refunded to the opposition party.

32. Compliance with Time Schedule -

(1) The time schedule provided for advertisement, opposition, defence, hearing and amendment of specification under these rules shall not be extended and failure in compliance with these time schedules shall forfeit the opportunity granted.

33. Manner of submitting evidence and time limit for filing notice of opposition, counter-statement or producing evidences under section 21 -

(1) Any evidence, upon which the opponent may rely, shall be submitted in duplicate to the Registrar with a copy to the applicant within one month from the receipt of counter-statement of the applicant.

(2) Any evidence upon which the applicant may rely shall be submitted in duplicate to the Registrar with a copy to the opponent within thirty days from the date of receipt of opponent's evidence.

(3) No further evidence shall be submitted by either party except by leave or directions of the Registrar.

(4) The copies of all the documents, except plant variety application, reffered to in the notice of opposition or in any counter-statement filed in connection with the opposition shall be in triplicate unless the Registrar directs otherwise.

(5) Where a document, is in a language other than English, and is referred to or relied upon in the notice, statement or evidence, an attested translation in English thereof shall be furnished in triplicate

(6) The time-limit for filing the evidence shall not ordinarily be extended except by a special order of the Registrar given on an application filed by the person seeking extension of

time and on payment of the fee specified in the **Second Schedule** and such an application for extension shall be in **Form-PV 5** of the **First Schedule.**

34. Application for the registration of essentially derived variety under section 23 -

(1) The application for registration of an essentially derived variety shall be accompanied by the following documents, namely :

(a) an affidavit sworn by the applicant stating that such a variety does not contain any gene or gene sequence involving terminator technology ;

(b) a statement giving details of the brief description of the characteristics of the variety to substantiate novelty, distinctiveness, uniformity and stability; and

(c) the details of parental material used.

(2) The application under sub-rule (1) shall be accompanied by the fee as specified for the purpose in column (3) of the **Second Schedule.**

35. Manner and method for conducting test under section 23 -

The tests referred to in sub-section (3) of section 23 shall be conducted by the Authority in consultation with the Central Government.

36. Certificate of registration under section 23 -

The Registrar shall issue to the applicant a certificate of registration of an essentially derived variety in the manner specified in **Form O-2** of the **Third Schedule** and send a copy of the registration to the Authority and to such other body (ies) as may be notified by the Central Government for information.

CHAPTER IV

REGISTRATION AND BENEFIT SHARING

37. Certificate of registration under section 24 -

(1) The certificate of registration of a plant variety, other than an essentially derived variety, under sub-section (2) of section 24 shall be in **Form O-2** of the **Third Schedule.**

(2) The Registrar shall issue the certificate of registration under sub-section (2) of section 24 within three years of the date of filing of application subject to the fulfillment of all other requirements.

(3) A copy of the certificate of registration issued under sub-section (2) of section 24 shall be sent to the Authority; and to such other body or agency, which the Central Government may, by notification in the official gazette specify.

38. Notice to the applicant under section 24 -

(1) If, within a period of twelve months, the application for registration of a plant variety other than an essentially derived variety is not completed in the circumstances given in sub-section (3) of section 24, the Registrar shall issue thirty days notice to the applicant at the address of his principal place of business in India, or if, he has no principal place of business in India, at the address for service in India stated in the application, but if the applicant has authorized an agent for the purpose of the application, the notice shall be sent to the agent and a duplicate thereof to the applicant for filing of the application or such further time as the Registrar may allow for completion of registration.

(2) The notice under sub-rule (1) shall be in **Form O-3** of the **Third Schedule.**

39. Renewal and revision of registration under section 24 -

(1) (a) On receipt of an application from the applicant, the Authority may review and renew the initial duration of registration as mentioned in sub-section (6) of section 24.

(b) Every application for review and renewal under sub-rule (1) shall be made in **Form PV-6** of the **First Schedule** and filed during twelve to eighteen months prior to the expiry of the initial period of registration.

(c) Every application under sub-rule (1) shall be accompanied with the fee payable for the remaining years under the initial period of registration, at the rate fixed for the year preceding the year of application, along with arrears, if any.

(2) (a) The renewal of registration may be applied for either for the remaining period of total aggregate duration of validity of the registration or for any period within such remaining period.

(b) In case, the applicant prefers for a period less than the total aggregate duration, no application shall be entertained for the further renewal of registration.

(3) (a) The fee payable for such extended period of registration beyond nine years in the case of trees and vines and six years in the case of other crop varieties, as the case may be, shall be based on average annual fee levied during the last two years of the said initial period of registration.

(b) The annual fee shall be uniform for the extended period of the registration and be payable in advance in single instalment.

(4) The Authority shall within such intervals as it thinks appropriate publish a list of varieties registered as well as renewed under the Act with the particulars of the period of registration, name and address of right holders periodically in its journal and in the Official Gazette.

40. Publication of contents of the certificate inviting claims for benefit sharing under section 26 -

Upon the issuance of the registration certificate under sub-section (8) of section 23, or sub-section (2) of section 24, the Authority shall, for the purpose of inviting claims for benefit sharing under the Act, shall advertise the following details of the registration certificate, namely -

(a) the registration number along with the date of grant,

(b) the name and address of the applicant or breeder in whose name the certificate has been issued or registered,

(c) denomination of the variety,

(d) name of the family, genus, species, variety and common name,

(e) parentage and geographical location of the variety,

(f) the details of the distinguishing features or the characteristics,

(g) in case of 'essentially derived variety', the details of the 'initial variety' from which the 'essentially derived variety' is claimed to have been derived.

(h) the name and address of the contributor, nature and amount of the contribution or the community knowledge used in the development of the plant variety.

(i) the terms and conditions of the agreement, if any, entered into between the breeder and the contributor.

(j) if the variety is sold or otherwise disposed of, details thereof.

41. Benefit sharing claim under section 26 -

(1) Upon the publication of the particulars of a certificate under sub-section (1) of section 26, a person or group of persons or firm or a non-governmental organization can make a claim under sub-section (2) of that section for benefit sharing in **Form PV-7** of the **First Schedule** within a period of six months from the date of such publication.

Provided that in special circumstances, the Authority may extend the time limit beyond the period of six months.

(2) The person or persons or firm or the non-governmental organization, who has made an application for benefit sharing, shall provide the following information, namely :

(a) the contribution made by the person or the group of persons or firm or community or the non-governmental organisations to the genetic development of the plant variety ;

(b) the capacity in which the person or the group of persons or the non-governmental organisation is making the claim for benefit sharing ;

(c) in case of "essentially derived varieties", the terms and conditions in which authorisation has been given ;

(d) the commercial viability or the actual market performance of the variety so registered.

(3) An applicant for benefit sharing shall pay the fee as specified for the purpose, in column (3) of the **Second Schedule.**

42. Opposition to a claim for benefit sharing under section 26 -

(1) On receipt of a copy of the claim for benefit sharing, the registered breeder of the plant variety may accept the claim and accordingly intimate the same to the Authority within a period of three months from the date of such receipt...

(2) In the eventuality of the plant breeder failing or defaulting to tender the intimation under sub-rule (1) within the period of three months, referred to in sub-rule (1) it shall be presumed that he has no opposition to such claim and the claim shall be decided accordingly.

(3) If, within a period of three months of receipt of notice of claim, the breeder of the plant variety files his opposition to the claim for benefit sharing, such an opposition shall be taken into consideration while disposing or deciding the claim for benefit sharing.

(4) Every notice of opposition, under sub-rule (3) shall be in **Form PV-8** of the **First Schedule.**

(5) The Authority, upon receiving the reply from the registered breeder, shall furnish a copy of such reply to the claimant for benefit sharing.

(6) The registered breeder or the claimant to benefit sharing shall furnish supporting document and other evidence, which shall be duly considered by the Authority while disposing of any claim for benefit sharing.

43. Determination of benefit sharing under section 26 -

The Authority shall, by order, determine the amount of benefit sharing to a variety according to clauses (a) and (b) of sub-section (5) of section 26 and taking into account the following criteria, namely-

(a) the contribution of the claimant in selecting, conserving and providing the genetic material,

(b) the contribution of such genetic material in providing one or more traits which conferred high commericial value to the variety, and

(c) the contribution of such genetic material to impart high combining ability to the parents of the hybrid variety relating to benefit sharing.

44. Reference for recovering benefit sharing under section 26 -

In case of defalut or failure on the part of the breeder of the variety to deposit the amount of benefit sharing in the Gene Fund, as per the order of the Authority of section 26, required under sub-section (6) within a period of three months from the date of such order, the Registrar shall make a reference to the District Magistrate under sub-section (7) of that section 26 in **Form O-4** of the **Third Schedule.**

45. Application for registration of title of agent or licenses under section 28 -

(1) An application under sub-section (4) of section 28 for registration as an agent or license, as the case may be, shall be made in **Form PV-9** of the **First Schedule.**

(2) The application for title by a licensee or an agent shall be accompanied by three attested copies of the agreement or instrument of entitlement or any other documentary evidence.

(3) The proposed agent or licensee may also be required to produce such other documents and information as may be required by the Registrar in support of the proof of title.

(4) The applicant under sub-section (4) of section 28 shall pay the fee as specified for the purpose in column (3) of the **Second Schedule.**

46. Reference of disputes of entitlement under section 28 -

(1) While referring a dispute under sub-section (4) of section 28 to the Authority for determination the Registration shall furnish all the relevant information related to dispute with three copies of all the documents and evidence available with his office.

(2) On receipt of an order of the Authority in respect of the dispute, the Registrar shall furnish copies of the order to the persons involved for necessary compliance.

47. Certificate of registration of entitlement under section 28 -

The certificate of registration to be issued to a registered licensee or an agent by the Registrar under sub-section (4) of section 28 shall be in **Form O-5** of the **Third Schedule.**

48. Application and procedure for varying or cancelling terms of registration under section 28 -

(1) An application under clauses (a), (b), (c), (d), or (e) of sub-section (9) of section 28 for variation or cancellation of the terms of registration of a registered breeder or his successor or any other person shall be in **Form PV-10** of the **First Schedule.**

(2) Every applications under sub-rule (1) shall be accompanied by a fee as specified for the purpose in column (3) of the **Second Schedule.**

49. Notice and proceedings under section 28 -

(1) The Registrar shall issue notice of every application under sub-section (10) of section 28 in **Form O-6** of the **Third Schedule** to the registered breeder or the agent or the licensee.

(2) Any person to whom a notice has been issued under sub-rule (1) and who intends to oppose or intervene in any proceedings under section 28, shall, within three months of the receipt of such notice, give notice of opposition or intervention to the Registrar in **Form PV-11** of the **First Schedule.**

(3) On receipt of a notice of opposition or intervention the Registrar shall furnish a copy of it to the applicant.

(4) The Registrar may accept or refuse the application or accept it subject to any condition, modification or limitation as directed by the Authority and shall inform the parties in writing accordingly.

CHAPTER V

SURRENDER AND REVOCATION OF CERTIFICATE OF REGISTRATION AND RECTIFICATION AND CORRECTION OF REGISTRAR

50. Surrender of certificate of registration under section 33 -

The registered breeder may at any time, by giving notice to the Registrar offer to surrender his certificate of registration of plant variety in **Form PV-12** of the **First Schedule,** under sub-section (1) of section 33.

51. Procedure on application for surrender of certificate of registration under section 33 -

(1) The Registrar shall give notice in **Form O-7** of the **Third Schedule,** every notice of offer made under rule 50 to the registered agent or the licensee relating to such certificate.

(2) (a) Any person who has been given a notice of surrender of certificte of registration under sub-rule (1), who intends to oppose the surrender, shall within three months of the receipt of such notice, give notice of opposition to the Registrar in **Form PV-13** of the **First Schedule,** and shall send therewith a written statement setting out the nature of the opponents interest, the facts relied upon along with the notice of opposition.

(b) The Registrar shall thereupon serve the notice of opposition along with the written statement received by him to the applicant.

(3) If the applicant desires to contest the opposition, he shall file or leave at the appropriate office a reply statement setting out fully the grounds upon which the opposition is contested, within a period of three month from the date of receipt of the copy of the written statement by him under sub-rule (2) and deliver to the opponent a copy thereof.

(4) The applicant or any person to whom a notice under sub-rule (1) has been issued may, make an application to the Registrar in **Form PV-14** of the **First Schedule,** for seeking an opportunity of being heard.

(5) On receipt of an application, under sub-rule (4), the Registrar may fix the time and place of hearing and issue notice to the parties accordingly and the interested parties may appear and give or file evidence in support of their case.

(6) The Registrar may accept or refuse the application or accept it subject to any condition, amendments, modifications or limitations and shall, accordingly, inform the parties in writing.

(7) If the Registrar accepts the registered breeder's offer of surrender of the plant variety, he shall by order direct the registered breeder to return the certificate of registration and on receipt of such certificate, the Registrar shall, by order, notify the surrender in the Official Gazette.

52. Application for revocation of protection granted to a breeder under section 34 -

Any person may make an application to the Authority in **Form PV-15** of the **First Schedule,** for revocation of protection granted to a breeder in respect of a variety on any of the grounds laid down under clauses (a) to (h) of section 34.

53. Procedure on application for revocation under rule 52 -

(1) The Authority shall issue notice in **Form O-8** of the **Third Schedule,** to the registered breeder of any application received by it under rule 52.

(2) (a) In case the registered breeder intends to oppose the application for revocation of protection, he shall, within three months from the date of receipt of such notice, give notice of opposition to the Authority in **Form PV-16** of the **First Schedule,** and shall send therewith a written statement, setting out the facts upon which he bases his case and the relief sought.

(b) The Registrar shall serve the notice of opposition along with the written statement received by him to the applicant.

(3) If the applicant desires to contest the opposition, he shall file or leave at the appropriate office, a reply setting out the grounds upon which the opposition is contested, within a period of three months from the date of receipt of the copy of the written statement by him under sub-rule (2) and deliver to the opponent a copy thereof.

(4) (a) The applicant and the registered breeder may make an application to the Registrar in **Form PV-17** of the **First Schedule,** seeking an opportunity of being heard.

(b) The Registrar may, on receipt of such application, fix such time and place for hearing and issue notice to the parties accordingly and the interested parties may appear and give or file evidence in support of his case.

(c) The Registrar may, accept or refuse the application or accept it subject to any condition, amendments, modifications or limitations and shall, accordingly inform the parties in writing.

(5) If the Authority ccepts the application for revocation of the plant variety, it may direct, by order, the registered breeder to return the certificate of registration and on receipt of such a certificate, the Registrar shall by order notify the revocation of the plant variety in the Official Gazette.

54. Payment of annual fee for retention of registration under section 35 -

The registered breeder, agent and licensee shall pay an annual fee for retention of registration at such rate as specified for the purpose in column (3) to the **Second Schedule.**

55. Application for cancellation or change of certificate of registration under section 36 -

(1) Any person may make an application for changing the certificate of registration on the grounds laid down under sub-section (1) of section 36 of the Registrar.

(2) Every application under sub-rule (1) shall be made in **Form PV-18** of the **First Schedule** and shall be accompanied by a statement of the grounds on which it is made.

56. Procedure on application for cancellation or change of certificate of registration under section 36 -

The Registrar may accept or refuse the application or accept it subject to any condition, amendment, modification or limitation as he may think fit to impose and shall inform the concerned parties in writing accordingly :

Provided that no application shall be rejected unless the applicant has been given a reasonable opportunity to make a representation against such rejection.

57. Application to rectify the register under section 36 -

Any person may make an application to the Registrar, in **Form PV-19** of the **First Schedule,** stating the grounds on which it is made, for making, expunging or varying the entry on the grounds laid down under sub-section (2) of section 36.

58. Procedure on application to rectify the Register under rule 57 -

The Registrar may accept or refuse the application for making, expunging or varying the entry or accept it subject to any condition, amendment, modification or limitation as he may think fit to impose and shall inform the concerned parties in writing accordingly :

Provided that no application shall be rejected unless the applicant has been given a reasonable opportunity to make a representation against such rejection.

59. Cancellation or change of registration or rectification of the Register by the Registrar under section 36 -

(1) The Registrar while exercising the powers under sub-section (4) of section 36 to cancel the registration, may make changes to the registration, or in case of rectification of the register, shall give notice in **Form O-9** of the **Third Schedule** to the registered breeder,

agent or licensee, if any, and to any other person who appears to the Registrar to have any interest in the plant variety, and shall state the grounds on which the Registrar intends to take any action.

(2) If any person who has been given a notice under sub-rule (1) intends to oppose the action of the Registrar, he shall within three month from the date of the receipt of such notice, give the notice of opposition to the Registrar in **Form PV-20** of the **First Schedule,** and shall send therewith a written statement setting out the facts upon which he bases his case and the relief sought for.

(3) The Registrar after hearing the person to whom a notice under sub-rule (1) has been given may pass such order as he may think fit and shall, accordingly, inform the parties in writing.

60. Application for correction of Register by the registered breeder under section 37 -

An application for correction of the Register may be made by the registered breeder of the plant variety to the Registrar under sub-section (1) of section 37 in **Form PV-21** of the **First Schedule,** for making any change as laid down in clauses (a) to (c) of sub-section (1) of that section.

61. Procedure on application for correction of the Register under rule 60 -

The Registrar may accept or refuse the application made under rule 60 for correction of register or accept it subject to any condition, amendments, modifications or limitations as he may think fit and shall, accordingly, inform the parties in writing.

62. Application for correction of the Register by the registered agent or licensee under section 37 -

An application for correction of the Register may also be made by the registered agent or the licensee to the Registrar under sub-section (2) of section 37 in **Form PV-22** of the **First Schedule** on the grounds laid down in sub-section (2) of that section.

63. Procedure on application for correction of the Register under rule 62 -

(1) The Registrar shall issue notice of every application under rule 62 in **Form O-10** of the **Third Schedule,** to the registered breeder.

(2) The Registrar may accept or refuse the application or accept it subject to any condition, amendment, modification or limitation he may think fit and shall, accordingly, inform the parties in writing, provided that tests referred to in sub-section (3) of section 23 shall be conducted by the Authority in consultation with the Central Government :

Provided that no application shall be rejected unless the applicant has been given a reasonable oportunity to make a representation against such rejection.

64. Alteration of denomination of a registered variety under section 38 -

(1) An application, to delete any part or to add or to alter the denomination of a registered variety, under sub-section (1) of section 38, shall be made by the breeder to the Registrar in **Form PV-23** of the **First Schedule.**

(2) The Registrar may determine whether and subject to what conditions, if any, the amendments shall be allowed.

(3) (a) The Registrar shall advertise the application for alteration in denomination in the Gazette or a journal or a daily newspaper and shall also advertise the nature of the proposed alteration in the denomination therein.

(b) The Registrar shall issue notice to all the persons, who, in his opinion, may have an interest in the matter.

65. Procedure on application for alteration of denomination under rule 64 -

(1) Any interested person may, within three months from the date of advertisement of an application for alteration in denomination of a registered variety, under sub-section (2) of section 38, give a notice of opposition to the proposed change in denomination of a registered variety in **Form PV-24** of the **First Schedule.**

(2) The Registrar shall serve a notice to the breeder about the opposition received for the proposed change in denomination and shall give an opportunity to both the parties of being heard, if so desired, before deciding the matter.

(3) In the event of leave being granted for alteration of denomination, the denomination as so altered shall be advertised in Gazette or a journal or a daily newspaper in **Form O-11** of the **Third Schedule.**

CHAPTER VI
FARMERS' RIGHTS

66. Claim for compensation under section 39

(1) Any farmer, group of farmers or the organisation of the farmers may make an application, under sub-section (2) of section 39, to the Authority to claim compensation.

(2) Every application under sub-rule (1) shall be in **Form PV-25** of the **First Schedule.**

67. Procedure on application for claim for compensation under rule 66 -

(1) The Authority shall give notice to the registered breeder about the compensation claim received in respect of the registered variety.

(2) After receiving a notice from the Authority under sub-rule (1), the registered breeder may, within three months from the date of receipt of such notice, file notice of opposition in **Form PV-26** of the **First Schedule.**

(3) In the eventuality of the breeder failing or defaulting to tender his opposition, within a period of three months, from the date of receipt of the notice for compensation, it shall be presumed that he has no opposition to such claim and accordingly such claim shall be decided.

(4) The Authority shall, upon receiving opposition from the breeder give opportunity to both the parties of being heard and may direct the breeder to pay such compensation to the farmer, the group of farmers or the organisation of the farmers, as the case may be as it deems fit.

68. Issue of notice under section 41 -

(1) On receiving the report from the centre notified under sub-section (1) of section 41, in respect of claims filed by a person or group of persons or governmental or non-governmental organisation, for compensation to the people of any village or local community for their contribution in the development of new variety, and if satisfied, the Authority may issue notice to the registered breeder or his assignee or registered agent in **Form 0-12** of the **Third Schedule.**

(2) Upon receiving the notice from the Authority, the registered breeder or his assignee or registered agent may file objection to the claim for compensation within three months in **Form PV-27** of the **First Schedule.**

(3) The Authority, upon receiving objection from the registered breeder or his assignee or registered agent, shall give opportunity of being heard to both the parties and after deciding on the eligibility for and quantum of compensation shall, direct, the breeder to pay compensation to the person, the group of persons or governmental or non-governmental organisation which has made the claim under sub-section (1) of section 41 and deposit the requisite funds within a period of two months with the Gene Fund.

69. Manner of receiving benefit sharing under section 45 -

The breeder of a variety or essentially derived variety shall deposit the amount of benefit sharing, as required under sub-section (6) of section 26, with the Gene Fund.

70. Manner of applying the Gene Fund under section 45:-

(1) The Authority shall pay the amount of benefit sharing, compensation required for use of genetic material towards evolution of new and essentially derived variety, to meet expenditure incurred for conservation and sustainable use of genetic resources and for the framing of schemes related to benefit sharing.

(2) The Gene Fund shall be applied for meeting the following purposes in accordance with the priority made hereunder :-

(a) to support and reward farmers, community of farmers, particularly the tribal and rural communities engaged in conservation, improvement and preservation of genetic resources of economic plants and their wild relatives, particularly in areas identified as agro-biodiversity hot spots;

(b) for capacity building on ex situ conservation at the level of the local body, particularly in regions identified as agro-biodiversity hot spots and for supporting in-situ conservation;

(c) on benefit sharing and compensation in accordance with sub-section (5) of section 26 and sub-section (3) of section 41; and

(d) on transaction cost of administering the Gene Fund.

CHAPTER VII
COMPULSORY LICENSE

71. Compulsory licensing under section 47 -

(1) Any interested person may, after the expiry of three years from the date of issuance of a certificate of registration of a variety make an application to the Authority, in the **Form PV-28** of the **First Schedule** along with the fee specified under the **Second Schedule** under sub-section (1) of section 47 for grant of compulsory license.

(2) The aplication for compulsory license under sub-section (1) shall -

(a) specifies particulars of variety denomination, generic and specific name of the variety or varieties concerned,

(b) contain the grounds for issue of compulsory license with supporting documents, and

(c) be supported by -

i) qualification, technical and financial capabilities of the person making such request with evidence.

ii) particulars of the holder of the right to the variety,

iii) written evidence that the person, making such request, has exhausted all measures for voluntary license.

(3) If after considering the application under sub-rule (1), the Authority is satisfied that a prima facie case has not been made for grant of compulsory license, it shall notify the applicant accordingly.

(4) On receipt of an application for grant of compulsory license under sub-rule (1), the Authority shall serve notice to the breeder of such variety or his assignee or registered agent inviting his opposition within one month from the receipt of such notice.

(5) On receiving a notice under sub-rule (4), the registered breeder or his assignee or registered agent may give notice of opposition in **Form PV-29** of the **First Schedule,** which shall be supported by documentary proof to substantiate the ground or grounds of opposition.

(6) If after giving an opportunity to both the parties of being heard, the Authority is satisfied that there is a need for the grant of compulsory license, he may order the breeder or his assignee or registered agent to license the variety on such terms of royalties and other remuneration as it may deem fit.

72. Manner of making material available under section 50 -

The Authority shall make available to the licensee of such compulsory license, the reproductive material of the licensed variety from the Gene Bank or any other centre, including the initial breeder of such variety.

73. Revocation of compulsory license under section 52 -

1. (a) Any person in respect of compulsory license aggrieved may, under sub-section (1) of section 52, make an application in **Form PV-30** of the **First Schedule** to the Authority, for revocation of compulsory license on any of the grounds specified in sub-section (1) of section 47 or section 52.

   (b) The application under sub-rule (1), shall be supported by evidence.

2. The Authority on its own motion or on receipt of the application from the aggrieved person under sub-rule (1), may give notice to the licensee.

3. The licensee may file an opposition to an application under sub-rules (1) or a proceeding under sub-rule (2), in **Form PV-31** of **First Schedule** with the Authority,

4. The Authority shall after considering the opposition filed under sub-rule (3) and after giving an opportunity to the licensee of being heard passing an order of revocation or refuse to grant such order.

CHAPTER VIII

FINANCE, ACCOUNTS AND AUDIT

74. Financial and administrative powers of the Chairperson under section 63 -

(1) The Chairperson shall exercise such financial and administrative powers over the functions of the Authority as are exercisable by a Head of Department under the General Financial Rules in accordance with the accounts and financial rules of the Government of India.

(2) The Chairperson may, delegate such financial and administrative powers in writing as he may deem fit, to a member or any subordinate officer of the Authority not below the rank of a Registrar or equivalent subject to the condition that the member or officer so authorised shall, write exercise such delegated powers continue to be under the direction, control and supervision of the Chairperson.

CHAPTER IX

MISCELLANEOUS

75. Manner of authorising registered agent or registered licensee under section 81 -

(1) A breeder of a variety or it's propagating material or essentially derived variety or it's propagating material registered under the Act, may make an application under section 81, in **Form PV-32** of the **First Schedule,** for authorising the registered agent or registered licensee or his assignee to institute appropriate proceedings in any court of law on his behalf.

(2) Where any authorization has been made under sub-rule (1), the service upon the agent of any document relating to any proceeding or matter under the Act or these rules shall be presumed to be a service upon the person so authorizing him; and all communications directed to be made to a person in respect of any proceeding or matter may be addressed to such agent, and all appearances before the Authority relating thereto may be made by or through such agent.

(3) Notwithstanding anything contained in sub-rules (1) and (2), the Authority may, if it considers necessary, require the signature or presence of an applicant, opponent or party to such proceeding or matter.

76. Manner of issuing certified copy under section 84 -

Any interested person may, under section 84, make an application in **Form PV-33** of the **First Schedule,** along with fee specified in the **Second Schedule,** to the Authority or Registrar for obtaining certified copies of any entry in the Register, certificates or extracts of plant variety application or other records maintained by the Authority and any document required in any proceedings under this Act and pending before such Authority or Registrar; and he may make a request in similar manner and for similar purpose to inspect such entry or document.

First Schedule

{See rule 3(1)}

Forms

Form number	Sections And Rules	Title
PV 1	Section 16(1) (e) and Rule 25	Application for authorization
PV 2	Section 18(3) and Rule 27 (2)	Proof of Right to file Application
PV 3	Section 21(2) and Rule 31	Notice of Opposition
PV 4	Section 21(4) and Rule 31 (5)	Counter-Statement
PV 5	Section 21and Rule 33 (6)	Request for Extension of Time
PV 6	Section 24(6) and Rule 39	Renewal of Registration
PV 7	Section 26(2) and Rule 41	Benefit Sharing Application
PV 8	Section 26(3) and Rule 42	Notice of Opposition
PV 9	Section 28(4) and Rule 45	Registration as an Agent or Licensee

Form number	Sections And Rules	Title
PV 10	Section 28(9) and Rule 48	Application for Variation/Cancellation of the term of Registration
PV 11	Section 28(10) and Rule 49	Notice of Opposition against variation/cancellation of the term of Registration
PV 12	Section 33(1) and Rule 50	Application to Surrender the Certificate of Registration of a Plant Variety
PV 13	Section 33(3) and Rule 51 (2)	Notice of Opposition for offer to surrender the Certificate
PV 14	Section 33(4) and Rule 51 (4)	Notice of Intention to attend Hearing
PV 15	Section 34 and Rule 52	Application to Revoke Certificate of Registration
PV 16	Section 34 and Rule 53	Notice of Opposition to application to Revoke Certificate of Registration
PV 17	Section 34 and Rule 53(4)	Application for an opportunity of being heard
PV 18	Section 36(1) and Rule 55	Application for Cancellation or Change of the Certificate of Registration of a Plant Variety
PV 19	Section 36(2) and Rule 57	Application for correction in National Plant Variety Register
PV 20	Section 36(4) and Rule 59	Notice of Opposition for Application for correction in National Plant Variety Register
PV 21	Section 37(1) and Rule 60	Application for correction in National Plant Variety Register by Owner/Breeder
PV 22	Section 37(2) and Rule 62	Application for correction in National Plant Variety Register by Registered Agent or Licensee
PV 23	Section 38(1) and Rule 64	Application to alter Denomination of a Registered Plant Variety
PV 24	Section 38(2) and Rule 65	Notice of Opposition to Application to Alter Denomination of a Registered Plant Variety
PV 25	Section 39(2) and Rule 66	Application for Claiming Compensation
PV 26	Section 39(2) and Rule 67(2)	Notice of Opposition to Application for Claiming Compensation
PV 27	Section 41(3) and Rule 68	Notice of opposition to application for claiming compensation
PV 28	Section 47(1) and Rule 71(1)	Application for grant of compulsory license
PV 29	Section 47(3) and Rule 71(5)	Notice of Opposition to an Application for Grant of Compulsory License
PV 30	Section 52(1) and Rule 73(1)	Application for Revocation of Compulsory License
PV 31	Section 53 and Rule 73(3)	Notice of Opposition for Application for Revocation of Compulsory License
PV 32	Section 81 and Rule 75(1)	Form of Authorization to Institute Suit.
PV 33	Section 84 & Rule 76	Request for Certified Copy

Second Schedule
(see rule 8)
FEE

Serial No.	Fees payable on matters	Amount of fee	Form No.
1.	Conducting Tests	Dependent on the nature and type of test subject to a maximum of Rs. 50,000/- per entry	-
2.	Notice of Opposition	Rs. 1500/-	PV 3
3.	Extension of Time	Rs. 1500 per month	PV 5

Serial No.	Fees payable on matters	Amount of fee	Form No.
4.	Fees for Registration of Essentially Derived Varieties	Individual- 5000 Educational- 7000 Commercial-10000	-
5.	Renewal Fee	Individual-5000 Educational-7000 Commercial-10000 Per year	PV 6
6.	Application for Benefit Sharing	Rs.5000	PV 7
7.	Application for Registering as Agent/Licensee	Rs.10000	PV 9
8.	Application for variation/cancellation of the terms of Registration	Individual-3000 Educational-5000 Commercial-7000	PV 10
9.	Notice of Opposition to Application for variation/cancellation of terms of Registration	Rs.1500/-	PV 11

Third Schedule
{See rule 2(c)}
Forms To Be Used By Registrar And The Central Government

Form number	Sections And Rules	Title
O-1	Section 21(1) and Rule 30	Form of advertisement
O-2	Section 23 (8) and 24(2) and Rule 36, 37	Certificate of registration
O-3	Section 24(3) and Rule 38	Notice for non completion of registration
O-4	Section 26(7) and Rule 44	Reference to District Magistrate for collection of benefit sharing amount
O-5	Section 28 (4) and Rule 47	Certificate of registration as agent/licensee
O-6	Section 28(10) and Rule 49	Notice to breeder/agent/ licensee
O-7	Section 33(2) and Rule 51	To notify offer made for surrender of registered variety.
O-8	Section 34 and Rule 53	Notice of application for revocation of registered variety
O-9	Section 36(4) and Rule 59	Change in National Register
O-10	Section 37(2) and Rule 63	Correction in National register
O-11	Section 38(2) and Rule 65(3)	Advertisement of Alteration in Denomination
O-12	Section 41(1) and Rule 68	Notice for change in Denomination

Fourth Schedule
{See rule 20(1)}

Sl. No.	Name of post	Number of posts	Equivalent Post under the Central Government	Scale of pay	Qualifications and experience
1	Financial Advisor	1	Director	14,300-18,300	A Degree from a recognized University or equivalent at least eight years experience in financial/Accounts Management
2	Legal Advisor	2	Deputy Secretary	10,000-15,200	An Advocate at least eight years practice as such and having special knowledge in Intellectual Properties, Management and Transactions.

Sl. No.	Name of post	Number of posts	Equivalent Post under the Central Government	Scale of pay	Qualifications and experience
3	Senior Accounts Officer	1	Under Secretary	10,000-15,200	A Degree in Commerce from a recognized University or equivalent with at least eight years experience as an Accounts Officer.
4	Accounts Officer	1	Assistant Director	8,000-13,500	A Degree in Commerce or Economics as one of the subject at Degree level from a recognized University with at least six years experience on accounts related matters.
5	Technical Assistant	6	Technical Assistant	5,500-9,000	A Degree in Agricultural Science or allied field like botany or biotechnology with at least 4 years experience in plant varietal improvements and seed development activities.
6	Computer Assistant	5		5,500-9,000	A Degree from a recognized University in Computer Applications and at least one year experience in Data Base Management.

FORM-PV-1

{See rule 25}

THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

AUTHORIZATION FORM

I/We[1] ____

____

hereby authorise[2] ____

____

to act on my/our behalf in connection with filing of new variety/ essential derived variety/extant variety in respect of[3] ____

and request that all notices, requisitions and communication relating thereto may be sent to such person(s) at the above address(es) unless otherwise specified.

I/We hereby revoke all previous authorization, if any made, in respect of same matter or proceeding.

Dated this.............day of.........../200..........

Signature(s) & name of person(s) making this authorisation along with the designation and/or official seal, if any

To,
The Registrar
The Plant Varieties Registry
At......................................

Note:-

No Fee

1. Insert the Name(s) (in full), address(es) and nationality of the person (s) making this authorization.
2. Insert Name(s) (in full), address(es) and nationality of the person(s) authorized.
3. Name (common/botanical) of the plant variety, and crop.

FORM-PV 2

[See rule 27(2)]

THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

PROOF OF RIGHT TO MAKE APPLICATION

I/We[1]..
referred to in application as claiming to be the breeder or plant variety right holder hereby declare that the applicant(s) who has/have signed this application is/are my/our assignee(s) or successor(s).

I/we hereby enclose herewith the following documents as required under rule 27(2):-

1. ....
2. ....
3. ....

I/we hereby declare that the information given above is true and correct to the best of my/our knowledge and belief.

Dated ....this..................day of...............................200

Signature[2] ....

Signatures of two witnesses along with their names and address:

1.

2.

I/We also hereby declare that the information given above are true to the best of my/our knowledge and belief.

Dated ....this..................day of...............................200

Signature ....

Note:- Strike out whichever is imapplicable.

To

The Registrar

The Plant Varieties Registry

At ....

---

1. Insert (in full) name, address and nationality.
2. To be signed by the Breeder or true Plant Variety Right holder (s)

FORM-PV 3

[See rule 31(1)]

THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

NOTICE OF OPPOSITION

I/We[1]...hereby give notice of opposition to the application for registration of plant variety registration No.[2]...published on................................for the following reasons(s):-

1...

2...

3...

Dated this..................day of...............................200.................

(Signature)[3] ....

To,

The Registrar

Plant Varieties Registry

At.......................................

1. Name, address and nationality of the person(s) filing notice of opposition
2. Registration number as advertised
3. Signature of the person(s) filing notice of opposition

I/we hereby declare that the facts and matter stated herein are true to the best of my/our knowledge, information and belief.

Dated this................day of...............................200.................

(Signature)[2] ....

To

The Registrar

The Plant Varieties Registry

At ....

Strike out whichever is inapplicable.

---

1. State the name(in full), address and nationality.
2. To be signed by the Applicant(s)

FORM-PV 4

[See rule 31(5)]

THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

FORM OF COUNTER-STATEMENT

In the matter of opposition to the application No.......for the registration of a plant variety having registration No....................published on..........

I/We[1]...................the applicants(s) for registration of the above plant variety hereby give notice that the following are the grounds on which I/we rely for my/our counter statement:-

1...

2...

3...

I/We admit/ disagree with the following claims/allegations/contentions in the notice of opposition................. All communications in relation to these proceedings may be sent to the following address in India:-[2]

....

Dated this................day of................................200................

(Signature)[3] ....

To

The Registrar

The Plant Varieties Registry

At ....

No Fee :

1. Insert the Name(s) (in full), address(es) and nationality of the person(s) making this authorization.
2. Insert Name(s) (in full), address(es) and nationality of the person(s) authorised.
3. Signature of the applicant or his agent or assignee.

FORM-PV 5

[See rule 33(6)]

THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

REQUEST FOR EXTENSION OF TIME

I/We[1]..hereby request for extension of time for.................months under rule 33 for filing notice of opposition/evidence/counter statement.

In respect of application No......................

The reasons for making this application is/are as follows:-

1. ....
2. ....

My/address for service in India is as follows:-

....

Dated this................day of....................,20

Signature[2] ....

To

The Registrar

The Plant Varieties Registry

At ....

---

1. Insert the Name (in full), address and nationality of the Applicant.
2. To be signed by the Applicant(s).

FORM-PV 6

[See rule - 39(1)(b)]

THE PROTECTION OF PLANT VARIETIES AND FARMER'S RIGHTS ACT, 2001

APPLICATION FOR RENEWAL OF REGISTRATION OF PLANT VARIETIES

I/We[1]..apply for the renewal of the plant variety registration No.............dated...............in respect of the plant variety[2]....................having denomination..........................

The notice of renewal of the registration may be sent to the following address in India:-
....
Dated this................day of....................,20
Signature[3] ....

To
The Registrar
The Plant Varieties Registry
At ....

1. Insert the full name with surname and address of the applicant(s).
2. Name of the registered plant variety
3. Signature of the applicant(s)

FORM-PV 7
[See rule 41(1)]
THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001
APPLICATION FOR BENEFIT SHARING

I/We[1].....................................hereby apply that my/our name(s) may be registered as person(s) entitled to benefit sharing in respect of the plant variety, registration No..............................
The grounds for my/our being entitled to benefit sharing are given below:-
1.
2.
The details of the plant variety in respect of which I/we am/are claiming benefit sharing are as follows[2].-
Plant Variety.....................of which the registration Number is ....
And in proof of my/our entitlement to benefit sharing whereof I/we transmit the accompanying documents[3]..........with a certified copy thereof.
My/our address for service in india is[4]
....
Dated this................day of....................200..........................
Signature[5] ....

To
The Registrar
The Plant Varieties Registry
At ....

1. State full Name and address as stated in the application for registration.
2. Name (common/botanical) of the plant variety and crop.
3. Specify the particulars of such documents, giving its date, and parties to the same and showing how the claim made is substantiated.
4. State the name of the place of the appropriate office of the Plant Variety Registry.
5. Signature of the Applicant or if his agent or assignee.

FORM-PV 8
[See rule 42(4)]
THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001
NOTICE OF OPPOSITION TO AN APPLICATION FOR BENEFIT SHARING

I/We[1]......................................hereby give notice of opposition to the Application for benefit sharing made by/on behalf of[2]..............and in respect of the registered plant variety.............registration No............dated................
The grounds on which the said application for benefit sharing is opposed are as follows:-
1.
2.
3.
In support of my/our opposition, I/we hereby enclose herewith copies of the following documents :-
1.
2.
3.

My/our address of service in India is..
Dated this................day of....................200..........................

Signature[3] ....

To
The Registrar
The Plant Varieties Registry
At ....

Strike out whichever is inapplicable

1. Insert the name (in full), address and nationality of the Applicant
2. The name(s) of the person(s) who has filed benefit sharing application.
3. To be signed by the Applicant(s)

FORM-PV 9
(See rule 45(1))
THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001
APPLICATION FOR REGISTRATION AS AN AGENT OR LICENSEE

I/We[1].....................................hereby apply for registration as an agent or licensee under sub-section (4) of section 28 of the Protection of Plant Varieties & Farmers' Rights Act, 2001.

I/We hereby declare that I/we am/are an authorized agent or licensee in respect of the plant variety[2].......................registration No..............................and that I/we am/are fully eligible to be a registered agent or licensee under section 28 of the Protection of Plant Varieties and Farmers Rights Act, 2001 (53 of 2001) and the rules made therein Given below is my/our particulars:-

1. Name in full begining with surname (in capital letters)..................................
2. Address of the place of residence...
3. Father's Name...
4. Nationality...
5. Date and place of birth...
6. Occupation in full...
7. Principal place of business..
8. Address of the branch office, if any..
9. Documents enclosed[3]..

1.
2.

I/we also hereby declare that the information given above are true to the best of my/our knowledge and belief

Dated this................day of....................200..........................

Signature[5] ....

To
The Registrar
The Plant Varieties Registry
At ....

1. Insert Name(in full), address and nationality of the persons entitled to benefit sharing.
2. Denomination, variety, registration number and other details of the plant variety(ies) in respect of which benefit sharing is claimed.
3. Specify the particulars of such documents, giving its date and parties to the same and showing how the claim made is substantiated.
4. Full address of the person who has/have the claim for benefit sharing.
5. To be signed by the Applicant(s) or authorised licensee(s) or agent(s) or legal successor(s) or assignee(s)

FORM-PV 10
[See rule 48]
THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001
APPLICATION FOR VARIATION/CANCELLATION OF THE TERMS OF REGISTRATION

I/We[1].....................................hereby declare -

1. that I/We...........is/are registered breeder (s)/licensee/agent of the plant variety, registration No............

2. that the registration of the plant variety was done by an order of the Registrar dated....................
3. that the grounds for variation or cancellation of the terms of registration are as follows:-

a..

b..

I/we hereby declare that the terms and conditions of the registration certificate may be cancelled/revised as follows:-

....

I/we hereby declare that the facts and matter stated herein are true to the best of my/our knowledge, information and belief.

Dated this................day of....................200..........................

Signature[2] ....

To
The Registrar
The Plant Varieties Registry
At ....

1. Insert Name (in full), address and nationality.
2. To be signed by the Breeder or true Plant Variety Rights Holder(s)

FORM-PV 11
(See rule 49)
THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001
NOTICE OF OPPOSITION TO AN APPLICATION FOR VARIATION OR CANCELLATION OF REGISTRATION

I/We[1].....................................hereby give notice of opposition to the application for variation/cancellation of the terms of the plant variety registration No..........dated....................for the plant variety....................... having denomination..........................

The grounds on which the said application is opposed are as follows:-

1.
2.
3.

My/our address of service in India is....................................

Dated this................day of....................200..........................

Signature[2] ....

To
The Registrar
The Plant Varieties Registry
At ....

FORM PV-12
[See rule 50]
THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001
APPLICATION OF OFFER TO SURRENDER THE CERTIFICATE OF REGISTRATION BY THE REGISTERED BREEDER OF THE PLANT VARIETY.

In the matter of plant variety.......................................of crop..............................having registration No..........................registered in the name of ....application is hereby made by[1] I/We.....................................being the registered proprietor(s) or successor of the registered breeder[5] of the above mentioned registered plant variety to surrender his certificate of registration in circumstances that are stated fully in the accompanying statement.

All communications relating to this application may be sent at the following address[2]......................

Dated this................day of....................200..........................

To
The Registrar
The Plant Varieties Registry
At[4] ....

1. Insert the name(s) of the person making this application.
2. Address of the person making this application.
3. Signature of the applicant or its agent.
4. State the name of the place of the appropriate office of the Plant Varieties Registry
5. Strike out whichever is not necessary.

FORM PV-13

[See rule 51(2)]

THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

NOTICE OF OPPOSITION FOR OFFER TO SURRENDER OF CERTIFICATE OF REGISTRATION OF PLANT VARIETY.

In the matter of application for offer to surrender of certificate of registration, of plant variety.................................of crop................................, having registration No................................I/We[2] .... who is/are the registered agent or licensee[7], hereby give notice of my intention to oppose the surrender of certificate, notice of which was received by me, dated the...................day of....................20...................sent by the Registrar of Plant Variety.

The written statement stating the facts and grounds of opposition are as follows:-

[3]..

Dated this................day of...................200.........................

To

The Registrar of Plant Variety

The office of the Plant Varieties Registry

At[6] ....

---

1. Name of the breeder or the successor of the plant variety making an application for surrender of plant variety.
2. Name of the opponent making this application.
3. Written statement setting out the nature of the opponent's interest, the facts upon which he bases his case and the relief, which he seeks. The opponent may furnish any documents upon which the opponent relies on as annexure to this notice of opposition.
4. Name and address of his principal place of business or residence.
5. Signature of the person making this application for opposition or his agent.
6. State the name of the place of the appropriate office of the Plant Variety Registry.
7. Strike out whichever is not necessary.

FORM PV-14

[See rule 51(4)]

THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

NOTICE OF INTENTION TO ATTEND HEARINGS

In the matter of the application made under section[1].........................dated......................day of.............. 20...........I/We[2]...being the applicant or the opponent[6] hereby making an application to the Registrar to provide an opportunity of being heard in reference to the above matter. It is requested that the time and place of the hearing be kindly intimated to me in the following address.

[3]............................

Dated this................day of...................20.........................

To

The Registrar of Plant Variety

The Office of the Plant Variety Registry at[5] ....

---

1. Insert particulars such as section No. form No and also the name of the applicant making an application for surrender.
2. Insert name of the person making this notice.
3. Address of the person giving this notice.
4. Signature of person giving the notice or of his agent.
5. State the name of the place of the appropriate office of the Plant Variety Registry
6. Strike out whichever is not necessary.

FORM PV-15

[See rule 52]

THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

APPLICATION FOR REVOCATION OF THE CERTIFICATE OF REGISTRATION OF THE PLANT VARIETY REGISTERED UNDER THIS ACT BY ANY PERSON.

In the matter of plant variety......................... of crop.....................having registration No.......................... registered in the name of.............................application is hereby made by[1]...................................being

the....................................[2] of the above mentioned registered plant variety for revocation of the certificate on one of the following grounds and in circumstances that are stated fully in the accompanying statement.

1. that the grant of certificate of registration has been based on incorrect information furnished by the applicant.
2. that the certificate of registration has been granted to a person who is not eligible for protection under this Act.
3. that the breeder did not provide the Registrar with such information, documents or materials as required for registration under this Act.
4. that the breeder has failed to provide an alternative denomination of the variety which is the subject matter of the registration to the Registration in case where the earlier denomination of such variety provided to the Registrar is not permissible for registration under this Act
5. that the breeder did not provide the necessary seeds or propagating material to the person to whom compulsory licence has been issued under section 47 regarding the variety in respect of which registration certificate has been issued to such breeder.
6. That the breeder has not complied with the provisions of this Act or rules or regulations made thereunder.
7. That the breeder has failed to comply with the direction of the Authority issued under this Act.
8. That the grant of certificate of registration is not in the public interest.

All communications relating to this application may be sent at the following address

[3]...

Dated this.................date of.............20.................

To

The Plant Varieties Authority/Registry

At[5] ....

1. Insert the name of the applicant.
2. Nature of relationship of the applicant with the registered plant variety.
3. Address of the applicant.
4. Signature of the applicant or his agent.
5. State the name of the place of the appropriate office of the Plant Varieties Registry

FORM PV-16

[See rule 53(2)]

THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

NOTICE OF OPPOSITION TO OPPOSE THE REVOCATION OF CERTIFICATE OF REGISTRATION OF PLANT VARIETY

In the matter of application for revocation of certificate of registration by ....[1]. I/We[2]................................ who is the registered breeder, hereby give notice of my intention to oppose the revocation of certificate, of plant variety ...., of crop...................., having registration No.................... notice of which was recived by me, dated the .... day of ....20 .... sent by the Registrar of plant variety.

The written statement stating the facts and grounds of opposition are as follows:-

[3]...

All communications in relation to these proceedings may be sent to the following address in India.

[4]................................

Dated this................date of....................20..........................

Signature[5]..................................

To

The Registrar of Plant Variety

The Office of the Plant Variety Registry at

[6].............................

1. Name of the person making an application for revocation of plant variety.
2. Name of the registered breeder.

3. Written statement setting out the nature of the opponent's interest, the facts upon which he bases his case and the relief, which he seeks. The opponent may furnish any documents upon which the opponent relies on as annexure to this notice of opposition.
4. Name and address of his principal place of business or residence.
5. Signature of the person making this application for opposition or his agent.
6. State the name of the place of the appropriate office of the plant variety registry.

FORM PV-17

[See rule 53(4).]

THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

APPLICATION FOR AN OPPORTUNITY OF BEING HEARD

In the matter of the application made under section[1].................dated..................day of .... 20............I[2].......................................the applicant or the opponent[6] hereby making an application to the Registrar to provide an opportunity of being heard in reference to the above matter. It is requested that the time and place of the hearing be kindly intimated to me in the following address.

[3].....................................

Dated this................day of....................20..........................

Signature[4]..................................

To

The Registrar of Plant Variety

The Office of the Plant Variety Registry at[5]...

---

1. Insert particulars such as section No., form No. and also the name of the applicant making an application for revocation.
2. Name of the person making this notice.
3. Address of the person giving this notice.
4. Signature of person giving the notice or of his agent.
5. State the name of the place of the appropriate office of the Plant Variety Registry.
6. Strike out whichever is not necessary.

FORM PV-18

[See rule 55(2)]

THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

APPLICATION BY ANY PERSON FOR CANCELLATION OR CHANGE OF ANY TERMS OF REGISTRATION OF THE PLANT VARIETY REGISTERED UNDER THIS ACT.

In the matter of plant variety................................., of crop...................., having registration No..........................registered in the name of................................application is hereby made by[1]................................being the registered breeder or registered agent or registered licensee or any other person[5] of the above mentioned registered plant variety to cancel or change the terms of registration on any of the following grounds and in circumstances that are stated fully in the accompanying statement.

1. contravention of the provisions of the Act.
2. failure to observe a condition subject to which such registration certificate is issued

All communications relating to this application may be sent at the following address[2]

....

Dated this................day of....................200..........................

Signature[3]..................................

To

The Registrar

The Plant Varieties Registry

At[4]..

1. Insert the nane of the person making this application.
2. Address of the person making this application.
3. Signature of the person making this application or his agent.
4. State the name of the place of the appropriate office of the Plant Varieties Registry
5. Strike out whichever is not necessary.

FORM PV-19

[See rule 57]

THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

APPLICATION BY ANY PERSON FOR MAKING, EXPUNGING OR VARYING THE ENTRY IN THE REGISTER OF PLANT VARIETY

In the matter of plant variety.., of crop.............................., having registration No..................................registered in the name of...application is hereby made by[1].................................being the registered breeder or registered agent or registered licensee or any other person[5] of the above mentioned registered plant variety for making, expunging or varying the entry in the register of plant variety on any of the following grounds and in circumstances that are stated fully in the accompanying statement.

1. absence or omission from the register of any entry.
2. entry made in the register with sufficient cause.
3. entry wrongly remaining in the register.

All communications relating to this application may be sent at the following address[2]

....

Dated this................day of....................20..........................

Signature[3]..................................

To
The Registrar
The Plant Varieties Registry
At[4]..

1. Insert the nane of the person making this application.
2. Address of the Person making this application.
3. Signature of the person making this application or his agent.
4. State the name of the place of the appropriate office of the Plant Varieties Registry
5. Strike out whichever is not necessary.

FORM PV-20

[See rule 59(2)]

THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

NOTICE OF OPPOSITION FOR EITHER CANCELLATION OR CHANGE OF CERTIFICATE OF REGISTRATION OR MAKING, EXPUNGING OR VARYING THE ENTRY IN THE REGISTER OF PLANT VARIETY BY THE REGISTRAR

In the matter of the notice received dated............................for[1].....................by the Registrar of plant variety bearing registration No.................of crop........................

I/We[2]..hereby give notice of my intention to oppose[3]......................

The written statement stating the facts and the grounds of opposition are as follows[3]:-

All communications in relation to these proceedings may be sent to the following address

[4].....................................

Dated this................day of....................20..........................

Signature[5]..................................

To
The Registrar of Plant Variety
The Office of the Plant Variety Registry at
[6]..

1. The intention of the Registrar for cancellation or change of certificate of registration or making, expunging or varying the entry in the register of plant variety.
2. Name of the person making this notice of opposition.
3. Written statement setting out the nature of the opponent's interest, the facts upon which he bases his case and the relief, which he seeks. The opponent may furnish any documents upon which the opponent relies on as annexure to this notice of opposition.
4. Address of the opponent.
5. Signature of the person giving notice or of his agent.
6. State the name of the place of the appropriate office of the Plant Variety Registry.

FORM PV-21
[See rule 60]
THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001
APPLICATION FOR CORRECTION OF REGISTER BY THE REGISTERED BREEDER

In the matter of plant variety.........................., of crop.................., having registration No............... registered in my name i.e[1].......................application is hereby made by me for making correction to the register of plant variety on any of the following ground(s):

1. Correct any error in the Register in the name, address or description of such breeder or any entry relating to such variety.
2. Enter in the Register any change in the name, address or description of such breeder.
3. Cancel the entry in the Register of the variety in respect of which such application is made; and may make any consequential amendments or alteration in the certificate of registration and for that purpose requires the certificate of registration to be produced to him.

All communications relating to this application may be sent at the following address
[2].....................................

Dated this................day of....................20..........................

[3]..................................

To
The Registrar
The Plant Varieties Registry
At [4]...

1. Insert the name of the person making this application (registered breeder).
2. Address of the person making this application (registered breeder)
3. Signature of the registered breeder or its agent.
4. State the nane of the place of the appropriate office of the Plant Varieties Registry.

FORM PV-22
[See rule 62]
THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001
APPLICATION FOR CORRECTION OF REGISTER BY THE REGISTERED AGENT OR THE REGISTERED LICENSEE

In the matter of plant variety.........................., of crop.................., having registration No............... registered in the name of ....application is hereby made by[1] ....being the registered licensee/registered agent[6] of the above mentioned registered plant variety to make correction on any of the following grounds and in circumstances that are stated fully in the accompanying statement.

1. correct any error.
2. enter any change, in the name, address or description of the registered agent.
3. enter any change, in the name, address or description of the registered licensee.

All communications in relating to this applications may be sent at the following address
[3].....................................

Dated this................day of....................20..........................

Signature[4]..................................

To
The Registrar
The Plant Varieties Registry
At [5]..

1. Insert the name of the person making this application.
2. Reasons of making this application i.e. either to correct any error or enter any change, in the name, address or description of the applicant.
3. Address of the person making this application.
4. Signature of the applicant.
5. State the name of the place of the appropriate office of the Plant Varieties Registry.
6. Strike out whichever is not applicable.

FORM PV-23
[See rule 62]
THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001
ALTERATION OF DENOMINATION

I/We[1]____

____

here by request to add/delete/alter the denomination of a registered variety...

of crop................................, having registration No......................................, published on........................ The existing denomination is.................................. The denomination when altered will appear as................................

All notices, requisitions and communication relating thereto may be sent to the following address:

Dated this................day of....................20..........................

Signature[2]..................................

To
The Registrar
The Plant Varieties Registry
At ....
Strike off whichever is inapplicable

1. Insert the Name(s) (in full), address (es) and Nationality of the breeder/his legal representative/assignee.
2. Signature and Name of the person(s), with official seal, if any, making this application.

FORM PV-24
[See rule 65(1)]
THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001
NOTICE OF OPPOSITION TO THE ALTERATION IN DENOMINATION

I/We[1] ____

____

hereby give notice of opposition, to the proposed change in the denomination of registered plant variety..of the crop.. having registration No[2]......................................, published on......................... for the following reason(s) :-

1. ....
2. ....

I/we enclose the following evidence(s) to substantiate my/our statement

....
....
....

Dated this................day of....................20..........................

Signature[3]..................................

To
The Registrar
Plant Varieties Registry
At.............................

1. Name, address and nationality of the person(s) filing notice of opposition
2. Registration number as advertised.
3. Signature and Name, with official seal, if any, of the person(s) filing Notice of Opposition.

FORM PV-25
[See rule 66(2)]
THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001
APPLICATION FOR COMPENSATION

I/We[1] ____

____

hereby request that I/we may be compensated in respect of the plant variety ....of the crop... having registration No..., and denomination......................... for failure of propagating material to perform as per stipulated expectation under given conditions.

In support of my/our entitlement to compensation, I/we are enclosing the following evidence(s)[2]

1...
2...

My/our Address for service is

....
....
....

Dated this................day of...................20..........................

Signature[3]..................................

To
The Authority,
The Protection of Plant Varieties and Farmers' Rights

1. Insert name (in full), address and nationality of persons making request for compensation
2. Specify the particulars of evidences showing how the claim made is substantiated.
3. To be signed by the Applicant(s) along with the name(s), and official seal, if any.

FORM PV-26
[See rule 67(2)]
THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001
NOTICE OF OPPOSITION TO AN APPLICATION FOR COMPENSATION

I/We[1]____

____

hereby give notice of opposition to the application for compensation made by/on behalf of[2] ____in respect of the registered planty variety______________________of crop____________________ having registration No________________________dated________________________

The grounds on which the said application for compensation is opposed are as follows:-

1.
2.
3.

In support of my/our opposition, I/we hereby enclose herwith certified copies of the following documents:-

1.
2.
3.

My/our address of service in India is

....

....

Dated this................day of...................20..........................

Signature[3]..................................

To
The Authority
The Protection of Plant Varieties and Farmers' Rights

Strike off whichever is inapplicable

1. Insert the name(in full), address and nationality of the applicant
2. The Name(s) of the person(s) who has filed an application for compensation
3. To be signed by the Applicant(s).

FORM PV-27
[See rule 68(2)]
THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001
NOTICE OF OPPOSITION TO AN APPLICATION FOR COMPENSATION

I/We[1]____

hereby give notice of opposition to the application for compensation made by/on behalf of[2] ____in respect of the registered planty variety______________________of crop____________________ having registration No________________________dated________________________

The grounds on which the said application for compensation is opposed are as follows:-

1.
2.
3.

In support of my/our opposition, I/we hereby enclose herewith certified copies of the following documents:-

1.
2.
3.

My/our address of service in India is
....
....
Dated this................day of....................20..........................

Signature[3]..................................

To
The Authority
The Protection of Plant Varieties and Farmers' Rights

Strike off whichever is inapplicable

1. Insert the name(in full), address and nationality of the applicant
2. The Name(s) of the person(s) who has filed an application for compensation
3. To be signed by the Applicant(s).

FORM PV-28
[See rule 71(1)]
THE PROTECTION OF PLANT VARIETIES AND FARMER'S RIGHTS ACT, 2001
Grant of Compulsory License

I/We[1]____

hereby apply for the grant of compulsory license for plant variety _____________, of crop_________having registration No________________________, published on _________________ on the following grounds, namely:-

1. the reasonable requirements of the public for seeds or other propagating material of the variety have not been satisfied.
2. the seeds or propagating material of the variety not available to the public at reasonable price.

The documentary evidence in support of my/our interest and the facts stated above and copies thereof are herewith enclosed:-
1...
2...
3...

I/We declare that the facts and matters stated herein are true to the best of my/our knowledge, information and belief.

My/Our address for service in India is...

Dated this................day of....................20..........................

Signature[2]..................................

To
The Authority
Protection of Plant Varieties and Farmers' Rights
Strike off whichever is inapplicable

1. State the name (in full), address and nationality of the Applicant(s).
2. To be signed by applicant(s) or if the applicant(s) is/are absent from India by authorised patent agent.

FORM PV-29
[See rule 71(6)]
THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001
NOTICE OF OPPOSITION TO AN APPLICATION FOR COMPULSORY LICENSE

I/We[1]____

hereby give notice of opposition to the application for Compulsory License made by/on behalf of[2] ____in respect of the registered planty variety_____________________________of crop____________________ having registration No________________________dated________________________

The grounds on which the said application for compensation is opposed are as follows:-
1..
2..
3..

In support of my/our opposition, I/we hereby enclose herewith certified copies of the following documents:-
1...
2...
3...
My/our address of service in India is
....
....
Dated this................day of....................20..........................

Signature[3]..................................

To
The Authority
The Protection of Plant Varieties and Farmers' Rights

Strike off whichever is inapplicable

1. Insert the name(in full), address and nationality of the applicant
2. The Name(s) of the person(s) who has filed an application for compulsory license
3. To be signed by the applicant(s).

FORM PV-30
[See rule 73(1)]
THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001
AN APPLICATION FOR REVOCATION OF COMPULSORY LICENSE

I/We[1]____
hereby request for revocation of compulsory license granted to[2] ______________________________
______________________________in respect of the plant variety______________________of crop______________________ having registration No____________________dated____________________for the following reasons:
1. Violation of terms and conditions of compulsory license
2. Inappropriate to continue license in public interest
The certified copies of all the documents are enclosed here with in support of my/our grounds for revocation.
I/We declare that the facts and matters stated herein are true to the best of my/our knowledge, information and belief.
My/Our address for service in India is ______________________________
____
Dated this................day of....................20..........................

Signature[3]..................................

To
The Authority
The Protection of Plant Varieties and Farmers' Rights

Strike off whichever is inapplicable

1. Insert the name(in full), address and nationality of the applicant
2. The Name(s), address and nationality of the person(s), who has been granted compulsory license
3. To be signed by the applicant(s).

FORM PV-31
[See rule 73(3)]
THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001
NOTICE OF OPPOSITION TO AN APPLICATION FOR REVOCATION

I/We[1]____
hereby give notice of opposition to the application for revocation for grant of compulsory license made by/on behalf of[2] ______________________________
______________in respect of the registered plant variety______________________________of crop______________________________having registration No______________________________
dated______________________

The grounds on which the said application for the revocation of grant of cumpulsory license is opposed are as follws:-
1...
2...
3...
In support of my/our opposition, I/we hereby enclose herewith certified copies of the following documents:-
1...
2...
3...
My/our address of service in India is
....
....
Dated this................day of....................20..........................

Signature[3]..................................

To
The Authority
The Protection of Plant Varieties and Farmers' Rights

Strike off whichever is inapplicable

1. Insert the name(in full), address and nationality of the applicant/licensee
2. The Name(s) of the person(s) who has filed an application for revocation
3. To be signed by the applicant(s).

FORM PV-32
[See rule 75(1)]
THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001
FORM OF AUTHORISATION TO INSTITUTE SUIT

In the matter of plant variety___________________________, of crop_____________________________, having registration No________________________________, published on___________________________, I/We[1]____ hereby__________________________________authorize[2]____ _ ____ to act on my/our behalf in connection with[3]____and request that all notices, requisitions and communications relating thereto may be sent to such agent/licensee at the above address.
I/We hereby revoke all previous authorizations if any made, in respect of the same matter or proceedings.
Dated this................day of....................20..........................

Signature[4]..................................
(Name and official seal if any)

To
The Registrar
The Plant Varieties Registry

Strike off whichever is inapplicable

1. Insert the name (in full), address and nationality of the applicant
2. Insert the Name (in full), address and nationality of the registered agent/licensee
3. State the particular matter or proceeding for which the authorization has been given
4. To be signed by the applicant(s)

FORM PV-33
[See rule 76]
THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001
REQUEST FOR CERTIFIED COPIES OF ENTRIES IN THE PLANT VARIETIES REGISTER OR FOR INSPECTION OF SUCH ENTRY

In the matter of plant variety___________________________, of crop_____________________________, having registration No________________________________, published on___________________________,

I/We[1] ____

hereby request you to furnish me/us with a certified copy of___________________ and to send the certified copy on address given above.

I/We hereby request you to allow me/us to inspect entries/document_______________in respect of the above plant variety.

The purpose for which the certified copy of the entry (ies)/document is required is as follows:-

1.
2.
3.

Dated this................day of...................20.........................

Signature[2]..................................
(Name and official seal if any)

To
1) The Authority
The Plant Varieties Registry
2) The Authority
Plant Varieties and Farmers' Rights Authority

Signature[4]...

Strike off whichever is inapplicable

1. Insert the name (in full), address and nationality of the applicant
2. Signature of the applicant
3. State the particular matter or proceeding for which the authorization has been given
4. To be signed by the applicant(s)

FORM O-1
[See rule 30]
GOVERNMENT OF INDIA, PLANT VARIETIES REGISTRY
ADVERTISEMENT OF ACCEPTED APPLICATION FOR REGISTRATION

[5.] Application no..........................filed on.....................by[1]...or on behalf or Mr[2]...for new plant variety/ extant variety/farmers, variety essentially derived variety.., of crop......................, having denomination..........................., the specification including its, drawing and or photograph(s) of which are given below, has been accepted and given registration number....................on...................

The convention application no..........................., in respect of the said variety has been filed on......................, in[3]........................

Appropriate office for the opposition of proceeding under rule 29, of the Protection of Plant Varieties and Farmers' Rights, 2003, Rules is [4].....................................

1. Name (in full), address/service address (with registration number, if applicable) and nationality of the applicant.
6. Name (in full), address and nationality of the breeder (in case applicant is not the breeder)
7. Name of the convention country
8. Name of the Office.

FORM O-2
[See rules 36 and 37]
GOVERNMENT OF INDIA, PLANT VARIETY REGISTRY
CERTIFICATE OF REGISTRATION
REGISTRATION NO.........................OF 200.......

Whereas ....has declared that he has developed................................. plant variety/essentially derived plant variety and that he is the true breeder thereof (or the legal representative or assignee of the true breeder) and that he is entitled to a plant variety right on the said variety, having regard to the provisions of the Protection of Plant Varieties and Farmer's Right Act, 2001 and that there is no objection to the registration of plant variety in favour of him.

And whereas he has, by an application, requested that registration of plant variety/essentially derived plant variety may be allowed to him for the said plant Variety;

And whereas he has, by and in his application, particularly described the various distinctive features and mentioned the denomination of the said plant variety;

Now, these presents that the above said applicant (including his legal representatives and assignees or any of them) shall, subject to the provisions of the Protection of Plant Varieties and Farmers Rights Act, 2001 and the conditions specified in section 47 of the said Act, and to the conditions and provisions specified by any other law for the time being in force, have the exclusive right to produce, sell, market, distribute, import or export the variety for a term of............... years from the....................day of..............., 200............and of authorizing any other person to do so, subject to the conditions that the validity of this registration is not guaranteed and that the fee prescribed for the continuance of this registration are duly paid.

In witness thereof, the Registrar has caused this registration to be sealed as of the ....day of.......................200.....................

Seal and Signature of the Registrar,
Plant Varieties Registry
Date of Grant..

Note:- The fees for maintenance of this registration, if it is to be maintained, will fall due on..........................day of.................................and on the same day in every year thereafter.

FORM O-3

[See rule 38]

GOVERNMENT OF INDIA, PLANT VARIETIES REGISTRY

NOTICE OF NON-COMPLETION OF REGISTRATION

Application No..........................dated..............

Notice is hereby given under rule 38 of the Protection of Plant Varieties and Farmers Rights Rules, 2003 that the registration of the plant variety, in respect of which application was made on the............day of...........200..............., has not been completed by reason of default on the part of the applicant. The applicant is directed to complete the following requirement(s) within a period of 30 days from the date of the receipt of this Notice:-

3...

4...

Unless all the above requirements are met within thirty days of the receipt of this notice, the application shall be treated as abandoned.

Dated this......................day of.......................200.....................

SEAL AND SIGNATURE OF THE REGISTRAR,
PLANT VARIETIES REGISTRY

FORM O-4

[See rule 44]

GOVERNMENT OF INDIA, PROTECTION OF PLANT VARIETIES AND FARMERS RIGHTS AUTHORITY

REFERENCE FOR RECOVERY OF BENEFIT SHARING AMOUNT

To

....

....

Reference Case No.....................

Whereas..........................has/have been asked vide Order dated.............to deposit an amount of Rs.................. as Benefit Sharing amount, determined by this Authority vide the same Order issued in respect of benefit sharing application No...................., with the National Gene Fund under the provisions of Section 26(6).

And whereas the said person(s)..R/O.. has/have defaulted or failed to deposit the said benefit sharing amount for the last....................... and whereas the said person(s) reside(s)/carries on his/their work at................, which is within your jurisdiction.

In view of the above-mentioned default on the part of the person(s) named herein, a reference is being made herein to your office to collect the above mentioned amount of benefit sharing as an arrear of land revenue under the provisions of the ....

The amount realised as an arrear of land revenue, pursuant to this reference, is required to be deposited with the National Gene Fund established under the Protection of Plant Varieties and Farmers' Rights Act, 2001 within a period of three months after realization of the said amount.
Dated this ....day of.............20

SIGNATURE WITH SEAL OF THE AUTHORITY

FORM O-5

[See rule 47]

GOVERNMENT OF INDIA THE REGISTRAR OF PLANT VARIETIES

CERTIFICATE OF REGISTRATION OF AGENT OR LICENCEE

NO................................

This is to certify that Shri/Smt/Ms................ R/o..................... has/have been registered as an agent/licensee in respect of plant variety(ies)............................., of crop........................., registration No....................on this.............................. day of ....200.......

This Certificate shall, however, be subject to the terms and conditions stipulated in the contract in respect of the above mentioned registered Plant variety (ies).

SEAL AND SIGNATURE OF THE REGISTRAR
PLANT VARIETIES REGISTRY

FORM O-6

[See rule 49]

GOVERNMENT OF INDIA, PLANT VARIETIES REGISTRY

NOTICE UNDER SECTION 28

Notice No..................................

APPLICATION NO. .... IN RESPECT OF THE PLANT VARIETIES REGISTRATION NO..................

Whereas................................ has/have filed an application for variation/cancellation of the terms of the registration certificate No..................... in respect of the plant variety.......................of crop........................., having denomination.....................................

In view of the above, you are hereby notified to file opposition to the said application (s) with necessary documents within a period of three months from the receipt of this notice, failing which the said application shall be disposed of accordingly.

Dated this.................day of......................, 20..

SEAL AND SIGNATURE OF THE REGISTRAR, PLANT VARIETIES REGISTRY

FORM O-7

[See rule 51 (1)]

NOTICE OF THE OFFER TO SURRENDER THE CERTIFICATE OF REGISTRATION BY THE BREEDER OF THE PLANT VARIETY REGISTERED UNDER THIS ACT UNDER SECTION 33(2) BY THE REGISTRAR.

Registrar of Plant Variety hereby serves upon a notice to the registered agent and / or registered licensee of the application received under section 33 (1).

Copy of the application along with the accompanying statement received by the Registrar is annexed herewith.

If any person notified hereby, intends to oppose the surrender of certificate of registration, shall within 3 months of the receipt of this notification may oppose in the prescribed manner.

Dated this.................day of......................, 200..................

[1]..................................

To

(3) The Registered Agent
At: [2]

(4) The Registered Licensee
At: [2]

1. Signature of the Registrar of Plant Variety or the duly Authorised person.
4. Insert the name and address of the registered agent and/or the registered licensee
5. Strike out whichever is not necessary.

FORM O-8

[See rule 53 (1)]

NOTICE OF THE APPLICATION FOR REVOCATION OF THE CERTIFICATE OF REGISTRATION OF THE PLANT VARIETY REGISTERED UNDER THIS ACT BY ANY PERSON UNDER SECTION 34.

Authority of Plant Variety hereby serves upon a notice to the registered breeder of the application received under section 34.

Copy of the application along with the accompanying statement received by the Registrar is annexed herewith.

If any person notified hereby, intends to oppose the revocation of certificate of registration, shall within 3 months of the receipt of this notification may oppose in the prescribed manner.

Dated this.........................day of.................20................

To

The Registered Breeder

At:[2]

3. Signature of the Chairman of the Authority or the duly Authorized person.
4. Insert the name and address of the registered breeder and/or registered agent and/or the registered licensee.

FORM O-9

[See rule 59 (1)]

NOTICE OF THE REGISTRAR FOR EITHER CANCELLATION OR CHANGE OF CERTIFICATE OF REGISTRATION OR MAKING, EXPUNGING OR VARYING THE ENTRY IN THE REGISTER OF PLANT VARIETY.

In the matter of plant variety registration No.................................. of crop..................., registered in the name of............................ Notice is hereby served by the Registrar of Plant Variety in the event the Registrar intends to do the following change(s) or correction(s) and in circumstances that are stated fully in the accompanying statement.

1. cancellation the certificate of registration.
2. changing the certificate of registration.
3. making, expunging or varying the entry in the Register of Plant Variety.

Dated this................day of......................, 200.................

[1]..................................

To

D. Registered Breeder
At: [2]

E. Registered Agent
At: [2]

F. Registered Licensee
At[2]

3. Signature of the Registrar of Plant Variety or the duly authorised person.
4. State the name and address.

FORM O-10

[See rule 63 (1)]

NOTICE OF APPLICATION FOR CORRECTION OF REGISTER BY THE REGISTERED AGENT OR THE REGISTERED LICENSEE UNDER SECTION 37 (2).

Registrar of Plant Variety hereby serves upon a notice to the registered breeder of the application received under section 37 (2).

Copy of the application along with the accompanying statement received by the Registrar is annexed herewith.

Dated this.........................day of.................200................

[1]..................................

To

(A) The Registered Breeder
At: [2]

3. Signature of the Registrar of Plant Variety or the duly authorised person.
4. Insert the name and address.

FORM O-11
(See rule 65)
GOVERNMENT OF INDIA, PLANT VARIETIES REGISTRY
ALTERATION IN DENOMINATION

Plant Variety................................of crop....................having registration No...............dated....................
Notice is hereby given that an application to alter the denomination of plant variety....................................
of crop....................................having registration No....................................dated............................was made by...on...............................
The altered denomination as given below has been allowed.
Dated this..............................day of.....................200...............

SEAL AND SIGNATURE OF THE AUTHORITY
PROTECTION OF PLANT VARIETIES AND
FARMERS' RIGHTS AUTHORITY

FORM O-12
GOVERNMENT OF INDIA, PLANT VARIETIES REGISTRY
NOTICE FOR COMPENSATION TOWARDS COMMUNITIES' RIGHTS

Plant variety..of crop...................................having Registration No.......... dated................
Notice is hereby given that the claims have been received from...
....
towards the contribution made by him/them, in the evolution of the above plant variety. The breeder/his registered agent/legal representative/assignee is directed to file any objection to such claim(s) within three months from the date of this notice.
He shall substantiate his objections to the claims by providing authenticated evidences.
He shall be given opportunity of being heard if so desired.
Dated this.......................day of......................200...................

[No. 1-4/2003/SD-V]
K.M. SAHNI, Addl., Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
ಎಲ್. ಸಿದ್ದಯ್ಯ
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 107

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ
ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 67 ಕೇಶಾಪ್ರ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 18ನೇ ಡಿಸೆಂಬರ್ 2003

2003ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 12 ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ "The Central Vigilance Commission Act, 2003" ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)
New Delhi, dated the 12th September, 2003/Bhadra 21, 1925 (Saka)

The following Act of Parliament received the assent of the President on the 11th September, 2003 and is hereby published for general information:-

THE CENTRAL VIGILANCE COMMISSION ACT, 2003
No. 45 OF 2003
[11th September, 2003]

An Act to provide for the constitution of a Central Vigilance Commission to inquire or cause inquiries to be conducted into offences alleged to have been committed under the Prevention of Corruption Act, 1988 by certain categories of public servants of the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:-

CHAPTER I
PRELIMINARY

1. Short title .- This Act may be called the Central Vigilance Commission Act, 2003.

2. Definitions .- In this Act, unless the context otherwise requires,-

(a) "Central Vigilance Commissioner" means the Central Vigilance Commissioner appointed under sub-section (1) of section 4;

(b) "Commission" means the Central Vigilance Commission constituted under sub-section (1) of section 3;

(c) "Delhi Special Police Establishment" means the Delhi Special Police Establishment constituted under sub-section (1) of section 2 of the Delhi Special Police Establishment Act, 1946; (25 of 1946).

(d) "Government company" means a Government company within the meaning of the Companies Act, 1956; (1 of 1956).

(e) "prescribed" means prescribed by rules made under this Act;

(f) "Vigilance Commissioner" means a Vigilance Commissioner appointed under sub-section (1) of section 4.

CHAPTER II
THE CENTRAL VIGILANCE COMMISSION

3. Constitution of Central Vigilance Commission.- (1) There shall be constituted a body to be known as the Central Vigilance Commission to exercise the powers conferred upon, and to perform the functions assigned to it under this Act and the Central Vigilance Commission constituted under sub-section (1) of section 3 of the Central Vigilance Commission Ordinance, 1999 (ord. 4 of 1999), which ceased to operate, and continued under the Government of India in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) Resolution No. 371/20/99-AVD. III, dated the 4th April, 1999 as amended vide Resolution of even number, dated the 13th August, 2002 shall be deemed to be the Commission constituted under this Act.

(2) The Commission shall consist of-

(a) a Central Vigilance Commissioner - Chairperson;

(b) not more than two Vigilance Commissioners - Members.

(3) The Central Vigilance Commissioner and the Vigilance Commissioners shall be appointed from amongst persons-

(a) who have been or are in an All-India Service or in any civil service of the Union or in a civil post under the Union having knowledge and experience in the matters relating to vigilance, policy making and administration including police administration; or

(b) who have held office or are holding office in a corporation established by or under any Central Act or a Government company owned or controlled by the Central Government and persons who have expertise and experience in finance including insurance and banking, law, vigilance and investigations:

Provided that, from amongst the Central Vigilance Commissioner and the Vigilance Commissioners, not more than two persons shall belong to the category of persons referred to either in clause (a) or clause (b).

(4) The Central Government shall appoint a Secretary to the Commission on such terms and conditions as it deems fit to exercise such powers and discharge such duties as the Commission may by regulations specify in this behalf.

(5) The Central Vigilance Commissioner, the other Vigilance Commissioners and the Secretary to the Commission appointed under the Central Vigilance Commission Ordinance, 1999 (ord. 4 of 1999), or the Resolution of the Government of India in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) Resolution No. 371/20/99-AVD. III, dated the 4th April, 1999 as amended vide Resolution of even number, dated the 13th August, 2002 shall be deemed to have been appointed under this Act on the same terms and conditions including the term of office subject to which they were so appointed under the said Ordinance or the Resolution, as the case may be.

Explanation:- For the purposes of this sub-section, the expression "term of office" shall be construed as the term of office with effect from the date the Central Vigilance Commissioner or any Vigilance Commissioner has entered upon his office and continued as such under this Act.

(6) The headquarters of the Commission shall be at New Delhi.

4. Appointment of Central Vigilance Commissioner and Vigilance Commissioners.- (1) The Central Vigilance Commissioner and the Vigilance Commissioners shall be appointed by the President by warrant under his hand and seal;

Provided that every appointment under this sub-section shall be made after obtaining the recommendation of a Committee consisting of-

(a) the Prime Minister - Chairperson;
(b) the MInister of Home Affairs - Member;
(c) the Leader of the Opposition in the House of the People - Member.

Explanation.- For the purposes of this sub-section, "the Leader of the Opposition in the House of the People" shall, when no such Leader has been so recognised, include the Leader of the single largest group in opposition of the Government in the House of the People.

(2) No appointment of a Central Vigilance Commissioner or a Vigilance Commissioner shall be invalid merely by reason of any vacancy in the Committee.

5. Terms and other conditions of service of Central Vigilance Commissioner.- (1) Subject to the provisions of sub-sections (3) and (4), the Central Vigilance Commissioner shall hold office for a term of four years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier. The Central Vigilance Commissioner, on ceasing to hold the office, shall be ineligible for reappointment in the Commission.

(2) Subject to the provisions of sub-sections (3) and (4), every Vigilance Commissioner shall hold office for a term of four years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier.

` Provided that every Vigilance Commissioner, on ceasing to hold the office, shall be eligible for appointment as the Central Vigilance Commissioner in the manner specified in sub-section (1) of section 4:

Provided further that the term of the Vigilance Commissioner, if appointed as the Central Vigilance Commissioner, shall not be more than four years in aggregate as the Vigilance Commissioner and the Central Vigilance Commissioner.

(3) The Central Vigilance Commissioner or a Vigilance Commissioner shall, before he enters upon his office, make and subscribe before the President, or some other person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in Schedule to this Act.

(4) The Central Vigilance Commissioner or a Vigilance Commissioner may, by writing under his hand addressed to the President, resign his office.

(5) The Central Vigilance Commissioner or a Vigilance Commissioner may be removed from his office in the manner provided in section 6.

(6) On ceasing to hold office, the Central Vigilance Commissioner and every other Vigilance Commissioner shall be ineligible for-

(a) any diplomatic assignment, appointment as administrator of a Union territory and such other assignment or appointment which is required by law to be made by the President by warrant under his hand and seal.

(b) further employment to any office of profit under the Government of India or the Government of a State.

(7) The salary and allowances payable to and the other conditions of service of-

(a) the Central Vigilance Commissioner shall be the same as those of the Chairman of the Union Public Service Commission;

(b) the Vigilance Commissioner shall be the same as those of a Member of the Union Public Service Commission;

Provided that if the Central Vigilance Commissioner or any Vigilance Commissioner is, at the time of his appointment, in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the Central Vigilance Commissioner or any Vigilance Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that if the Central Vigilance Commissioner or any Vigilance Commissioner is, at the time of his appointment, in receipt of retirement benefits in respect of any previous service rendered in

a corporation established by or under any Central Act or a Government company owned or controlled by the Central Government, his salary in respect of the service as the Central Vigilance Commissioner or, as the case may be, the Vigilance Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that the salary, allowances and pension payable to, and the other conditions of service of, the Central Vigilance Commissioner or any vigilance commissioner shall not be varied to his disadvantage after his appointment.

6. Removal of Central Vigilance Commissioner and Vigilance Commissioner.- (1) Subject to the provisions of sub-section (3), the Central Vigilance Commissioner or any Vigilance Commissioner shall be removed from his office only by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Central Vigilance Commissioner or any Vigilance Commissioner, as the case may be, ought on such ground be removed.

(2) The President may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Central Vigilance Commissioner or any Vigilance Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.

(3) Notwithstanding anything contained in sub-section (1), the President may by order remove from office the Central Vigilance Commissioner or any Vigilance Commissioner if the Central Vigilance Commissioner or such Vigilance Commissioner, as the case may be,-

(a) is adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) engages during his term of office in any paid employment outside the duties of his office; or

(d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Central Vigilance Commissioner or a Vigilance Commissioner.

(4) If the Central Vigilance Commissioner or any Vigilance Commissioner is or becomes in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of India or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.

7. Power to make rules by Central Government for staff.- The Central Government may, in consultation with the Commission, make rules with respect to the number of members of the staff of the Commission and their conditions of service.

CHAPTER III

FUNCTIONS AND POWERS OF THE CENTRAL VIGILANCE COMMISSION

8. Functions and powers of Central Vigilance Commission.- (1) The funtions and powers of the Commission shall be to-

(a) exercise superintendence over the functioning of the Delhi Special Police Establishment in so far as it relates to the investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988 (49 or 1988), or an offence with which a public servant specified in sub-section (2) may, under the Code of Criminal Procedure, 1973, (2 of 1974), be charged at the same trial;

(b) give directions to the Delhi Special Police Establishment for the purpose of discharging the responsibility entrusted to it under sub-section (1) of section 4 of the Delhi Special Police Establishment Act, 1946: (25 of 1946)

Provided that while exercising the powers of superintendence under clause (a) or giving directions under this clause, the Commission shall not exercise powers in such a manner so as to require the Delhi Special Police Establishment to investigate or dispose of any case in a particular manner.

(c) inquire or cause an inquiry or investigation to be made on a reference made by the Central Government wherein it is alleged that a public servant being an employee of the Central Government or a corporation established by or under any Central Act, Government company, society and any local authority owned or controlled by that Government, has committed an offence under the

Prevention of Corruption Act, 1988 (49 of 1988), or an offence with which a public servant may, under the Code of Criminal Procedure, 1973, (2 of 1974), be charged at the same trial;

(d) inquire or cause an inquiry or investigation to be made into any complaint against any official belonging to such category of officials specified in sub-section (2) wherein it is alleged that he has committed an offence under the Prevention of Corruption Act, 1988 (49 of 1988), and an offence with which a public servant specified in sub-section (2) may, under the Code of Criminal Procedure, 1973, (2 of 1974), be charged at the same trial;

(e) review the progress of investigations conducted by the Delhi Special Police Establishment into offences alleged to have been committed under the Prevention of Corruption Act, 1988 (49 of 1988), or the public servant may, under the Code of Criminal Procedure, 1973, (2 of 1974), be charged at the same trial;

(f) review the progress of applications pending with the competent authorities for sanction of prosecution under the Prevention of Corruption Act, 1988; (49 of 1988),

(g) tender advice to the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government on such matters as may be referred to it by that Government, said Government companies, societies and local authorities owned or controlled by the Central Government or otherwise;

(h) exercise superintendence over the vigilance administration of the various Ministries of the Central Government or corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by that Government;

Provided that nothing contained in this clause shall be deemed to authorise the Commission to exercise superintendence over the Vigilance administration in a manner not consistent with the directions relating to vigilance matters issued by the Government and to confer power upon the Commission to issue directions relating to any policy matters.

(2) The persons referred to in clause (d) of sub-section (1) are as follows:-

(a) members of All-India Services serving in connection with the affairs of the Union and Group 'A' officers of the Central Government;

(b) such level of officers of the corporations established by or under any Central Act, Government companies, societies and other local authorities, owned or controlled by the Central Government, as that Government may, by notification in the Official Gazette, specify in this behalf:

Provided that till such time a notification is issued under this clause, all officers of the said corporations, companies, societies and local authorities shall be deemed to be the persons referred to in clause (d) of sub-section (1).

9. Proceedings of Commission.- (1) The proceedings of the Commission shall be conducted at its headquarters.

(2) The Commission may, by unanimous decision, regulate the procedure for transaction of its business as also allocation of its business amongst the Central Vigilance Commissioner and other Vigilance Commissioners.

(3) Save as provided in sub-section (2), all business of the Commission shall, as far as possible, be transacted unanimously.

(4) Subject to the provisions of sub-section (3), if the Central Vigilance Commissioner and other Vigilance Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority.

(5) The Central Vigilance Commissioner, or, if for any reason he is unable to attend any meeting of the Commission, the senior-most Vigilance Commissioner present at the meeting, shall preside at the meeting.

(6) No act or proceeding of the Commission shall be invalid merely by reason of-

(a) any vacancy in, or any defect in the constitution of, the Commission; or

(b) any defect in the appointment of a person acting as the Central Vigilance Commissioner or as a Vigilance Commissioner; or

(c) any irregularity in the procedure of the Commission not affecting the merits of the case.

10. Vigilance Commissioner to acts as Central Vigilance Commissioner in certain circumstances.- (1) In the event of the occurrence of any vacancy in the office of the Central Vigilance Commissioner by reason of his death, resignation or otherwise, the President may, by notification, authorise one of the Vigilance Commissioners to act as the Central Vigilance Commissioner until the appointment of a new Central Vigilance Commissioner to fill such vacancy.

(2) When the Central Vigilance Commissioner is unable to discharge his functions owing to absence on leave or otherwise, such one of the Vigilance Commissioners as the President may, by notification, authorise in this behalf, shall discharge the functions of the Central Vigilance Commissioner until the date on which the Central Vigilance Commissioner resumes his duties.

11. Power relating to inquiries.- The Commission shall, while conducting any inquiry referred to in clauses (b) and (c) of sub-section (1) of section 8, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), and in particular, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses or other documents; and

(f) any other matter which may be prescribed.

12. Proceedings before Commission to be judicial proceedings.- The Commission shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974), and every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 (45 of 1860), and for the purposes of section 196 of the Indian Penal Code.

CHAPTER IV

EXPENSES AND ANNUAL REPORT

13. Expenses of Commission to be charged on the Consolidated Fund of India.- The expenses of the Commission, including any salaries, allowances and pensions payable to or in respect of the Central Vigilance Commissioner, the Vigilance Commissioners, Secretary and the staff of the Commission, shall be charged on the Consolidated Fund of India.

14. Annual Report.- (1) It shall be the duty of the Commission to present annually to the President a report as to the work done by the Commission within six months of the close of the year under report.

(2) The report referred to in sub-section (1) shall contain a separate part on the functioning of the Delhi Special Police Establishment in so far as it relates to sub-section (1) of section 4 of the Delhi Special Police Establishment Act, 1946 (25 of 1946).

(3) On receipt of such report, the President shall cause the same to be laid before each House of Parliament.

CHAPTER V

MISCELLANEOUS

15. Protection of action taken in good faith.- No suit, prosecution or other legal proceeding shall lie against the Commission, the Central Vigilance Commissioner, any Vigilance Commissioner, the Secretary or against any staff of the Commission in respect of anything which is in good faith done or intended to be done under this Act.

16. Central Vigilance Commissioner, Vigilance Commissioner and staff to be public servants.- The Central Vigilance Commissioner, every Vigilance Commissioner, the Secretary and evey staff of the Commission shall be deemed to be a public servant within the meaning of section 21 (45 of 1860), of the Indian Penal Code.

17. Report of any inquiry made on reference by Commission to be forwarded to that Commission.- (1) The report of the inquiry undertaken by any agency on a reference made by the Commission shall be forwarded to the Commission.

(2) The Commission shall, on receipt of such report and after taking into consideration any other factors relevant thereto, advise the Central Government and corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by that Government, as the case may be, as to the further course of action.

(3) The Central Government and the corporations established by or under any Central Act, Government companies, societies and other local authorities owned or controlled by that Government, as the case may be, shall consider the advice of the Commission and take appropriate action;

Provided that where the Central Government, any corporation established by or under any Central Act, Government company, society or local authority owned or controlled by the Central Government, as the case may be, does not agree with the advice of the Commission, it shall, for reasons to be recorded in writing, communicate the same to the Commission.

18. Power to call for information.- The Commission may cal for reports, returns and statements from the Central Government or corporations established by or under any Central Act, Government companies, societies and other local authorities owned or controlled by that Government so as to enable it to exercise general supervision over the vigilance and anti-corruption work in that Government and in the said corporations, Government companies, societies and local authorities.

19. Consultation with Commission in certain matters.- The Central Government shall, in making any rules or regulations governing the vigilance or disciplinary matters relating to persons appointed to public services and posts in connection with the affairs of the Union or to members of the All-India Services, consult the Commission.

20. Power to make rules.- (1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the number of members of the staff and their conditions of service under section 7;

(b) any other power of the civil court to be prescribed under clause (f) of section 11; and

(c) any other matter which is required to be, or may be, prescribed.

21. Power to make regulations.- (1) The Commission may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations not inconsistent with this Act and the rules made thereunder to provide for all matters for which provision is expedient for the purposes of giving effect to the provisions of this Act.

(2) In particula, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

(a) the duties and the powers of the Secretary under sub-section (4) of section 3; and

(b) the procedure to be followed by the Commission under sub-section (2) of section 9.

22. Notification rule, etc., to be laid before Parliament.- Every notification issued under clause (b) of sub-section (2) of section 8 and every rule made by the Central Government and every regulation made by the Commission under this Act shall be laid, as soon as may be after it is issued or made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or the rule or the regulation, or both Houses agree that the notification or the rule or the regulation should not be made, the notification or the rule or the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule or regulation.

23. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

24. Provisions relating to existing Vigilance Commission.- With effect from the constitution of the Commission under sub-section (1) of section 3, the Central Vigilance Commission set up by the Resolution of the Government of India in the Ministry of Home Affairs No. 24/7/64-AVD, dated the 11th February, 1964 (hereinafter referred to in this section as the existing Vigilance Commission) shall, insofar as its functions are not inconsistent with the provisions of this Act, continue to discharge the said functions and-

(a) all actions and decisions taken by the Vigilance Commission insofar as such actions and decisions are relatable to the functions of the Commission constituted under this Act shall be deemed to have been taken by the Commission;

(b) all proceedings pending before the Vigilance Commission, insofar as such proceedings relate to the functions of the Commission, shall be deemed to be transferred to the Commission and shall be dealt with in accordance with the provisions of this Act;

(c) the employees of the Vigilance Commission shall be deemed to have become the employees of the Commission on the same terms and conditions;

(d) all the assets and liabilities of the Vigilance Commission shall be transferred to the Commission.

25. Appointments etc., of officers of Directorate of Enforcement.- Notwithstanding anything contained in the Foreign Exchange Management Act, 1999 (42 of 1999), or any other law for the time being in force,-

(a) the Central Government shall appoint a Director of Enforcement in the Directorate of Enforcement in the Ministry of Finance on the recommendation of the Committee consisting of-

(i) the Central Vigilance Commissioner-Chairperson;

(ii) Vigilance Commissioners-Members;

(iii) Secretary to the Government of India in-charge of the Ministry of Home Affairs in the Central Government - Member;

(iv) Secretary to the Government of India in-charge of the Ministry of Personnel in the Central Government-Member;

(v) Secretary to the Government of India in-charge of the Department of Revenue, ministry of Finance in the Central Government-Member;

(b) while making a recommendation, the Committee shall take into consideration the integrity and experience of the officers eligible for appointment;

(c) no person below the rank of Additional Secretary to the Government of India shall be eligible for appointment as a Director of Enforcement;

(d) a Director of Enforcement shall continue to hold office for a period of not less than two years from the date on which he assumes office;

(e) a Director of Enforcement shall not be transferred except with the previous consent of the Committee referred to in clause (a);

(f) the Committee referred to in clause (a) shall, in consultation with the Director of Enforcement, recommend officers for appointment to the posts above the level of the Deputy Director of Enforcement and also recommend the extension or curtailment of the tenure of such officers in the Directorate of Enforcement;

(g) on receipt of the recommendation under clause (f), the Central Government shall pass such orders as it thinks fit to give effect to the said recommendation.

26. Amendment of Act 25 of 1946.- In the Delhi Special Police Establishment Act, 1946,-

(a) after section 1, the following section shall be inserted, namely:-

"1A. Words and expressions used herein and not defined but defined in the Central Vigilance Commission Act, 2003, shall have the meanings, respectively, assigned to them in that Act.";

(b) for section 4, the following sections shall be substituted, namely:-

"4 Superintendence and administration of Special Police Establishment.- (1)The Superintendence of the Delhi Special Police Establishment in so far as it relates to investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988, (49 of 1988), shall vest in the Commission.

(2) Save as otherwise provided in sub-section (1), the superintendence of the said police establishment in all other matters shall vest in the Central Government.

(3) The administration of the said police establishment shall vest in an officer appointed in this behalf by the Central Government (hereinafter referred to as the Director) who shall exercise in respect of that police establishment such of the powers exercisable by an Inspector-General of Police in respect of the police force in a State as the Central Government may specify in this behalf.

4A. Committee for appointment of Director.- (1) The Central Government shall appoint the Director on the recommendation of the Committee consisting of-

(a)	the Central Vigilance Commissioner	-	Chairperson;
(b)	Vigilance Commissioners	-	Members;
(c)	Secretary to the Government of India in-charge of the Ministry of Home Affairs in the Central Government	-	Member;
(d)	Secretary (Coordination and Public Grievances) in the Cabinet Secretariat	-	Member.

(2) While making any recommendation under sub-section (1), the Committee shall take into consideration the views of the outgoing Director.

(3) The Committee shall recommend a panel of officers-

(a) on the basis of seniority, integrity and experience in the investigation of anti-corruption cases; and

(b) chosen from amongst officers belonging to the Indian Police Service constituted under the All-India Services Act, 1951, (61 of 1951). for being considered for appointment as the Director.

4B. Terms and conditions of service of Director.- (1) The Director shall, notwithstanding anything to the contrary contained in the rules relating to his conditions of service, continue to hold office for a period of not less than two years from the date on which he assumes office.

(2) The Director shall not be transferred except with the previous consent of the Committee referred to in sub-section (1) of section 4A.

4C. Appointment for posts of Superintendent of Police and above, extension and curtailment of their tenure, etc.- (1) The Committee referred to in section 4A shall, after consulting the Director, recommend officers for appointment to the posts of the level of Superintendent of Police and above and also recommend the extension or curtailment of the tenure of such officers in the Delhi Special Police Establishment.

(2) On receipt of the recommendation under sub-section (1), the Central Government shall pass such orders as it thinks fit to give effect to the said recommendation.";

(c) after section 6, the following section shall be inserted, namely:-

"6A. Approval of Central Government to conduct inquiry or investigation.- (1) The Delhi Special Police Establishment shall not conduct any inquiry or investigation into any offence alleged to have been committed under the Prevention of Corruption Act, 1988 (49 of 1988), except with the previous approval of the Central Government where such allegation relates to-

(a) the employees of the Central Government of the level of Joint Secretary and above; and

(b) such officers as are appointed by the Central Government in corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by that Government.

(2) Notwithstanding anything contained in sub-section (1), no such approval shall be necessary for cases involving arrest of a person on the spot on the charge of accepting or attempting to accept any gratification other than legal remuneration referred to in clause (c) of the Explanation to section 7 of the Prevention of Corruption Act, 1988 (49 of 1988)".

27. Repeal and saving.- (1) The Government of India in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) Resolution No.371/20/99-AVD. III dated the 4th April, 1999 as amended vide Resolution of even number, dated the 13th August, 2002 is hereby repealed.

(2) Notwithstanding such repeal and the cesser of operation of the Central Vigilance Commission Ordinance, 1999, (ord. 4 of 1999) anything done or any action taken under the said Resolution and the said Ordinance including the appointments made and other actions taken or anything done or any action taken or any appointment made under the Delhi Special Police Establishment Act, 1946 (25 of 1946) and the Foreign Exchange Regulation Act, 1973 (46 of 1973) as amended by the said Ordinance shall be deemed to have been made or done or taken under this Act or the Delhi Special Police Establishment Act, 1946 and the Foreign Exchange Regulation Act, 1973 as if the amendments made in those Acts by this Act were in force at all material times.

THE SCHEDULE

[See section 5(3)]

Form of oath or affirmation to be made by the Central Vigilance Commissioner or Vigilance Commissioner:-

I, A.B., having been appointed Central Vigilance Commissioner (or Vigilance Commissioner) of the Central Vigilance Commission do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the constitution and the laws.".

SUBHASH C. JAIN

Secy. to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ಎಲ್. ಸಿದ್ದಯ್ಯ

ಪಿ.ಆರ್. 108

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.